

SENATE—Thursday, July 25, 1991

(Legislative day of Monday, July 8, 1991)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Give therefore thy servant an understanding heart to judge *** between good and bad ***.*—I Kings 3:9.

Eternal God from whom comes all authority, this prayer of Solomon, King of Israel, as he began to reign, deserves the attention of those in public office. Senators do not rule as monarchs did in Solomon's day, but they are acknowledged by the people as leaders and have responsibility to lead as well as to represent. As they struggle with cosmic issues which do not yield easily to resolution, grant to them the priority of Solomon to discern between good and bad.

Gracious Father in Heaven, in these critical days when there is so much cynicism among the people and sometimes among leadership, give to those in positions of responsibility the grace and wisdom to order their priorities in terms of values which are more than preferences.

In the name of Him who is Truth incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein. The time between 8:30 and 9:30 a.m. shall be under the control of the majority leader or his designee; the time between 9:30 and 10:30 a.m. shall be under the control of the Republican leader or his designee.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

THE ECONOMY AND AMERICA'S WORKING FAMILIES

Mr. KENNEDY. Mr. President, today we begin a new effort to address one of the Nation's most neglected problems—the plight of working families in the midst of this recession, and the need for prompt action to assist them.

Over the last 6 weeks, the Committee on Labor and Human Resources has held a series of hearings on the recession in Massachusetts. The eloquent testimony we have heard is proof of the heavy toll that the current recession has exacted from America's working families.

In Boston, we spoke with Dick O'Neil, a father of eight who was laid off almost 2 years ago. Mr. O'Neil was unable to find work until recently, when he took a job at \$260 a week, half the pay of his prior position. Every month, he spends almost a quarter of his salary on health insurance for his family.

Despite all their efforts, the O'Neils have lost much of what they have worked so hard to achieve. First, their oldest daughter had to drop out of college. Then they lost their home. They were homeless for 5 weeks.

In spite of this adversity, their spirit remains strong and generous. Mrs. O'Neil continues to do volunteer work teaching English to Cambodian children in the community.

In Fall River, we spoke with Ed Riley, who lost his job in December

1989 after nearly 20 years of continuous employment. His unemployment benefits have run out. To keep up with his mortgage payments, he cashed in his life insurance policy. Neither Ed nor his wife can afford health insurance, yet they are ineligible for Medicaid because of the part-time work they have done to try to stay afloat.

Mrs. Riley told us that her 10-year-old daughter, Susan, had stopped praying to God for her father to find a new job, because her prayers were never answered. And besides, their daughter said, "Even if daddy gets another job, he's only going to lose it again."

The Rileys and the O'Neils are not alone, and not unique to Massachusetts. These are not idle working men and women looking for a handout. They are honest, hard-working citizens who have spent their whole lives trying to build a future for their children. And now, through no fault of their own, they find themselves unable to provide—unsure how much longer they will have a roof over their heads—uncertain about whether they will have health insurance to meet the next medical emergency. Day by day, they see their dreams slipping away. As Octavio Mattos testified at our hearing in Fall River, "My American dream is turning into a nightmare."

The current recession is now 1 year old, and the end is not in sight in Massachusetts or many other States. Since it began last July, more than 1.8 million Americans have lost their jobs. The number of long-term unemployed has risen to over 1 million. The Nation's unemployment rate is at its highest level in 5 years.

In some States, unemployment is over 9 percent. Last month, a Federal Reserve economist testified that unemployment in Massachusetts could reach as high as 11 percent before it declines again. Massachusetts has lost 275,000 jobs in 2 years, 9 percent of its total work force, the worst job losses since the Great Depression. And behind everyone of these statistics, there are thousands and thousands of families like the Rileys and O'Neils.

In the midst of all this adversity, the failure of the White House to take any action is astonishing. It seems that the President is more interested in solving the problems of foreign countries than he is in meeting the needs of our American families here at home.

The President has a most-favored-nation policy for China. When will he decide that it is time to have a most-fa-

* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

vored-nation policy for the United States?

It is true that some economists see glimmers of recovery in parts of the country. But no one can be sure how soon the recovery will arrive or how strong it will be. And even if a recovery begins soon, unemployment will remain high well into 1992.

Congress can no longer wait for the White House to take the lead. Every day that we delay, more parents lose their jobs. More families lose their homes and health insurance. More children lose their faith in the future. The time to act is now.

And so I urge that we take the following steps immediately to put America's working families back on their feet.

Most important, we must restore the unemployment benefits that too many jobless workers have lost. A number of us have sponsored legislation to create a new Supplemental Unemployment Benefit Program, and later this morning, the Senate Finance Committee will meet to take up this measure under the emergency provisions of the Budget Act. If the loss of unemployment benefits is not an emergency to families across the country, I do not know what is. It is time to give American families the same kind of protection against unemployment that they have had in past recessions, under both Republican and Democratic administrations.

Already in this fiscal year, we have approved emergency spending for benefits to Persian Gulf families, for foreign aid, and for administration of the unemployment system. If we can call these steps emergencies, then surely we can provide emergency funds to the unemployed as well.

While workers are losing their unemployment benefits, the Federal Government has built a surplus of close to \$9 billion in the unemployment trust fund. This is absurd. We must put that money where it will do the most good—not in some bank vault at the Treasury, but in the hands of the unemployed American men and women.

The legislation proposed by Senator BENTSEN, which many of us have been advocating, will provide a federally funded supplemental benefits program for those in need. I commend the Senator from Texas for pushing ahead and want to assure him of my continued support.

Second, as our next priority, we must cut taxes for the average American. Throughout the Reagan-Bush years, working families have seen their tax burdens go up, while the burden of the wealthy has declined. The spending spree of the 1980's bought nothing for the average American family, and now we are asking them to foot the bill. That simply is not fair.

How would you feel if your rich uncle went out and bought a fancy car for

himself, but made you pay the bill? You would be furious. You pay, he rides free. That is exactly what we have done to America's working families, and it is time that it stopped. It is time that the wealthiest individuals and corporations stopped getting a free ride at the expense of the average taxpayer.

Third, we need to boost our investments in the Nation's infrastructure. Across America, bridges, roads, airports, and water systems are crumbling. Expecting the Nation to compete internationally when these systems are in poor shape is like asking someone with clogged arteries to run a marathon. It just cannot be done. If we are going to produce and ship our products efficiently, we must take care of this basic infrastructure. And by doing it now, we will help to put thousands of workers back to work.

Finally, we need to remind both the Federal Reserve and the banking regulators that it is hard to get anywhere if you always drive with one foot on the brake. The credit crunch must end. Many deserving businesses and new enterprises are dying for lack of credit. The Federal Reserve should continue to lower interest rates, and banking regulators should do more to get credit flowing, while continuing to monitor the safety and soundness of our banks.

But this is only the beginning. There is much more that we have to do to build a brighter future for this country and its families. For this recession, painful as it is, is also a symptom of a much more serious problem—our failure to invest in the American work force.

The Nation's working men and women are our most precious natural resource. But instead of investing in that resource, we have neglected it. Faced with increased competition from abroad, too many of our companies have shifted their production overseas or cut wages and benefits for domestic workers instead of upgrading their skills and productivity.

This is the wrong path for America. The fault does not lie with business, but with our lack of a national commitment to building a strong work force for the future. That why I will soon be proposing a new measure to create a world-class employment and training system for workers and businesses in the new world of international competition. Inspired by the bipartisan Commission of the Skills of the American Work Force, this measure will draw on the steps already being taken by business, labor, and State and local governments around the country. It will encourage partnerships among industry, labor, schools, and government to develop basic training standards, create training programs for the high-technology workplace, and help American businesses to become high-performance companies.

Given the right tools, American workers have the dedication and ingenuity to outproduce any nation in the world. If we give them the tools everyone will benefit, and the Nation itself will prosper.

In the last decade, American workers have been on what economist Robert Reich calls a downward escalator. For two-thirds of the work force, their income today is virtually the same today as it was in 1958, after inflation is taken into account. The American dream—in which every family could hope that each generation would attain a higher level of education, achievement and prosperity—has begun to fade. Today, instead of dreaming of a better tomorrow for their children, too many American parents are struggling to help keep their children from falling back.

It is not too late to reverse that trend. Just as a successful business follows a strategic plan that anticipates competitive needs and meets them, so America must develop and implement the economic, educational, and business development programs that we will need to defend our national strength and prosperity in the years ahead.

So the challenge is twofold. We must meet the urgent needs of America's working families today, by working to stimulate the economy, extend unemployment benefits, and reduce the tax burden on the middle class. But we must also address the future needs of working families, providing them the education and training they will need to meet the challenges of tomorrow.

If we fail on either front, then we will have failed the Rileys and the O'Neils and all of America's working families. We will be saying to them that we just don't care what happens to them or their children, or ultimately about the future of this Nation. If we fail to act, we will continue to undermine their faith in the future and in the promise of this country.

But if we take the necessary steps to support them now and in the future, then we can help them keep the faith, because America will still be a land where prayers are answered and dreams become reality.

Mr. President, I commend the Senator from Texas and the Finance Committee for their work in addressing the problems of the unemployed, and I express my appreciation to the Senator from Michigan, Mr. RIEGLE, who is the chairman of the task force to develop a program to deal with the challenges of unemployment in our country, and the future for those working families, and to express the appreciation of all the people of Massachusetts for his leadership in this undertaking.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. RIEGLE. I thank the Chair.

UNEMPLOYMENT EXTENDED BENEFITS

Mr. RIEGLE. I thank my colleague from Massachusetts for his gracious comments and for his leadership over many years, certainly at the present time, on the effort to confront the major economic problems facing the working people of our country.

Some months ago, GEORGE MITCHELL, the majority leader, formed a task force and asked 15 Senators to work on the issue of how he might respond to the recession that was then underway, and which continues at this time in my view. A group of us was formed. I was asked to serve as the chairman of that group. We made a series of recommendations, and among those was the one that we are here discussing this morning, and that is to deal with some major problems in the unemployment compensation system, and particularly with the Extended Benefits Program.

We have today in the United States over 9 million people who are unemployed across the country, over 400,000 in the State of Michigan. One of the problems we are seeing is that people are not being called back to work. They exhaust their 26 weeks of unemployment compensation under the normal benefit program but are not called back to work and are not able to find other work. And the Extended Benefits Program is not available to help them; it has been triggered off.

As a result, they then have no safety net whatsoever. Many are losing their homes, their cars. I have talked to some who are actually losing their families as a result of this. It is a tragedy that is occurring across the country, not just in a handful of States but increasingly throughout the entire country.

One of the great ironies is that in the past recessions of this kind, we have had an extended unemployment benefit program that would kick-in to provide an additional period of unemployment compensation benefits until the economy could come back, and that enabled workers who were still out of work to be able to hold body and soul together.

Ironically, today in our unemployment compensation extended benefit fund that has been collected here at the Federal level, we have nearly \$8 billion collected that has been paid in to deal precisely with the kind of problem we see today. But because of defects in the way the extended unemployment benefits compensation program is working, those benefits are not getting through to the unemployed workers.

So we have drafted a bill, S. 1296, co-sponsored by a number of colleagues. And I want to commend particularly the chairman of the Finance Committee, Senator BENTSEN, and also the chairman of the Joint Economic Committee, Chairman SARBANES, from Maryland. In the case of Senator BENT-

SEN, who has moved to craft a bill here within the committee, to set a schedule for us to act on it, and in fact deal with it even today within our committee; and at the same time Senator SARBANES for his part helping to lay out the facts about both the failure of the benefits to reach the workers on the one hand and the enormous surplus in the benefits fund on the other hand—I think they have really helped to frame this issue and move the debate to the point where now we are in the position to act on it.

As was said by the Senator from Massachusetts, another one of the great ironies here is that this country today is helping people all around the world. We are helping every country in the world today. We are sending money all over the globe. We have an economic program, the administration in power today, has an economic program for every country in the world except this one. We are seeing that all the time. We just saw it here in the Senate this week on China when the administration was in here asking for most-favored-nation trading status with China—that is, Communist mainland China—at a time when the Chinese have a \$15 billion trade surplus with the United States this year.

So you have a situation where China is taking \$15 billion of scarce capital out of our economy, and taking it to China. They are taking millions of jobs here in America out of our economy, and taking those jobs to China. That is helping to create this massive unemployment problem here.

But the administration was asking to make the problem even worse by giving China most-favored-nation trading status, although the administration admits that China is cheating in its trading practices, and that there are all kinds of reasons to tighten down on them. But imagine on the one hand being willing to help China and Chinese workers at the expense of American workers and on the other hand not being willing to extend these compensation benefits to unemployed workers here in America.

We had Richard Darman in before the Budget Committee the other day. We asked him about this problem—the fact that all of this money has been collected in the fund, the workers are out there out of work, desperately needing the money, and we asked him if he and the administration would not be willing to support releasing the money to go to the workers for precisely the purpose that it had been collected. His answer was, no, they were unwilling to help; not a dime were they prepared to make available. We just had in Michigan 48,000 workers within the last month abruptly trigger off the unemployment extended benefits program, and right now they are not receiving a dime of benefits. Yet, they have not been called back to work.

So it is just not fair. It is not right. The money has been collected to deal with this problem. We need to make it available, and the bill that we are bringing forward will do exactly that.

But, in addition to China, it is important for people to know—and I just think it is very important for the American people to know—that this year the Bush administration has not come to the Congress to ask for emergency help for unemployed American workers. That has not been seen as important enough or necessary. But they have asked for help for the Kurdish people on an emergency basis in the amount of \$410 million. The Egyptians needed help. The administration came in here and asked for \$7 billion of debt relief for the Egyptians. They have gotten it. Turkey; the President was just over in Turkey. The Turks wanted \$600 million. There was no trouble finding that. The Bush administration says give them the \$600 million. The Sudan, most people cannot find it on a map of the world; they needed money. The Bush administration said send them \$100 million. Ethiopia, terrible problems over there; they need money. Well, let us write them a check—\$139 million to Ethiopia. How about Angola? Angola needs help. Well, let us send \$27 million over to Angola. Bangladesh; well, they have got problems, too. Let us send them a check for \$25 million.

Yet here in America people are out of work, and the recession continues. IBM just announced that they are going to lay off permanently 17,000 employees. There are big bank mergers, one in New York the other day. They say they are going to lay off another 9,000 workers. General Motors Corp., just announced they are going to close two more manufacturing plants across the country. All those jobs are disappearing.

The Unisys Co. yesterday announced they are getting rid of 10,000 workers. Virtually every major company in the United States is shrinking in size, reducing jobs, and putting people out of work.

People need these unemployment compensation benefits to hold their lives together. That is why we have collected the money. The money is sitting there in the fund. The Bush administration says, no, we are not going to let them have the money, we are not going to let the unemployment benefits go to our own people. Yet we are willing to help every other country around the world, and turn our back on our own people. It is just not right.

We have a program to fix it. People of this country want it fixed. It will put some lift into the economy. We have to get this economy on an upward track. We just yesterday got the news on the durable goods orders, which were down 1.6 percent last month. The economy is in serious trouble. We are

losing our economic future because we are not paying attention to things here at home. It is not enough to have a jobs program for Mexico, for China, for the Soviet Union, for Turkey, and everybody under the Sun and not have a jobs program for America.

Finally, one other thing about what needs to be fixed here. The bill that has been crafted by the Finance Committee chairman, Senator BENTSEN, deals with another serious problem. Service men and women who were asked to go and fight in Desert Storm, and they fought there with such courage and valor. Under the way the unemployment compensation laws work today, when they come back to the United States, if they are unable to find a job—and many have not found jobs; I have talked to them person to person. So I know that for a fact—under a quirk in the law, which this bill would fix, they have to wait 4 weeks before they can collect a penny of unemployment compensation benefits. Other workers wait 1 week. Returning veterans have to wait 4 weeks. That is not fair. That needs to be fixed.

But more than that, returning service veterans from Desert Storm do not receive the full 26 weeks available to every other worker that is unemployed in this country. They only get half of that; they only get 13 weeks.

We have had a lot of celebrations in the country to honor the service that those men and women gave, and they deserve the recognition that they have gotten. But they deserve fair treatment in the unemployment compensation system. They should not be standing out there today unemployed, and not be given the fair treatment that they deserve to have and that other workers in this country have. Has there been a bill come up from the Bush administration to fix that problem? Not a peep, nothing, zero.

Well, we need something in addition to the parades and the other kinds of recognition of that sort. We need concrete, tangible help for these returning service men and women. They are being cheated as it is today in this unemployment compensation program, and we can fix that. It is time that we fix it. The money is in the fund. It ought to be spent for the purpose that it was collected.

So I will just finish by saying, as I said before when he was out of the room, I really deeply appreciate and admire the leadership of the chairman of the Finance Committee, who has taken this issue, has moved it forward, and has crafted a bill here that I think is absolutely on the mark. It is what America needs. We have got to get it enacted just as quickly as we can. I yield the floor.

Mr. BENTSEN addressed the Chair. The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, for many months now, Americans have

been watching, hoping that this recession would be short and shallow, and that few American families would face hard times.

But in June the number of unemployed Americans climbed to 8.7 million. The unemployment rate rose to 7 percent, up from 5.3 percent the previous June 1990, and the highest in almost half a decade.

The harsh reality is that more than 2 million Americans lost their jobs during this recession. For many of these workers—1.2 million in June—the hard times have meant long-term unemployment of at least half a year.

Every month this year, some 300,000 workers exhausted their 26 weeks of regular unemployment benefits. They have had to face the double whammy of no regular income support and a tightening labor market where it is tough to find a job to put food on the table and support your family.

Some economic indicators are turning up but unemployment is a lagging indicator. If history is any guide, more and more workers will run out of unemployment benefits even after the recession is technically over. The number of workers who ran out of unemployment benefits peaked 7 months after the 1981-82 recession ended.

In fact, unemployment may remain an emergency problem longer than usual. This time around, the recovery may well be erratic, far less robust than the usual 6.5-percent growth rate typical of postwar recoveries.

Before, when the tragedy of losing a job has hit Americans, they have been able to count on a helping hand known as unemployment compensation. It is no handout. The money comes from an account funded by contributions from employers. It was set up to help protect workers from the financial hardships of unemployment and to stimulate the economy during hard times.

But the fact is that this program, created back in 1970 to deal with the kind of situation we have today, simply is not working.

The Federal-State extended benefits program is supposed to pay up to 13 weeks of benefits to workers who have exhausted their 26 weeks of regular benefits. But despite record high unemployment, only three States—Alaska, Maine, and Rhode Island—now qualify for the Federal-State extended benefits program. That is down from a recession high of eight States a few weeks ago.

The problem is that the test for triggering on the extended benefits is just too tough to meet.

The proof is that more than \$8 billion sits unused in the Federal extended benefits account. That is \$8 billion paid by employers across this country precisely for the challenge we are facing today—and that is how to help long-term unemployed Americans during a time of need.

Here is how we are proposing to do that.

Workers in States where the unemployment rate is 8 percent or more would be eligible for a total of 20 more weeks of benefits. Workers in States where the unemployment rate is between 7 and 8 percent would be eligible for 13 more weeks of benefits. Workers in States where unemployment is between 6 and 7 percent would be eligible for 7 more weeks. And States—all those remaining—would be eligible for 4 weeks of benefits.

Most of the \$5.2 billion cost would go to workers in States with higher unemployment rates. But we do provide benefits for States with unemployment rates below 6 percent because there can be very serious pockets of unemployment. Minnesota, for example, has an unemployment rate of around 5 percent, but Clearwater County has a rate of more than 17 percent. South Dakota's rate is 3.4 percent, but in Corson County the rate is nearly 12 percent.

And we know that a recession often hits particular industries, cutting across State lines and areas where unemployment is otherwise relatively low. A recession in the automobile industry drives up unemployment in obvious places like Michigan. But workers at automobile plants in, say, Oklahoma or Tennessee is just as out of work.

The benefits in this bill would be paid for exclusively from the existing extended benefits account. The money is there, more than enough to pay for this bill. And the fund will be steadily replenished to assure unemployment benefits in the future.

To determine how many weeks of benefits a State receives, the current measure is the insured unemployment rate. But that includes only those who file for unemployment benefits and excludes workers who have exhausted their benefits—the very people we want to help in this bill—as well as new and reentrants into the labor force. The total unemployment rate, which does include them, is a better indicator of the overall condition of a State's labor market and that is the rate we will use in this bill.

The Bentsen proposal will pay benefits only during 9 months from October 1, 1991, through June 1992 but will reach back. That will provide additional benefits to unemployed workers whose benefits expired after April 1—the very long-term unemployed who need help the most. The reach-back provision applies only to States with 6 percent unemployment or higher because that is where jobs are hardest to find and very long-term unemployment is most likely.

The bill also gives equal footing to our Nation's service men and women, providing the same benefits received by civilians. Under current law, Desert Storm and other veterans leaving the service are required to wait 4 weeks before they are eligible for up to 13 weeks

of benefits, while civilians wait a week and are eligible for 26 weeks.

The bill also establishes an unemployment compensation advisory council. Watching the lack of responsiveness of the unemployment compensation program over recent months, I have become convinced that the system urgently needs long-term restructuring. The advisory council, similar to the respected and successful Social Security Advisory Council, would be appointed every 4 years to examine the purpose, the goals and the functioning of the unemployment compensation system. This will enable us to take a close look at structural improvements away from the pressures of a serious recession.

Finally, let us look at why we are moving this bill under the emergency authority provided in last fall's budget agreement instead of the pay-as-you-go rules.

I agree with the chairman of the Budget Committee that this emergency authority was established precisely to enable the Congress and the President to respond to the kind of situation we face today, where rapid action is necessary to meet unforeseen needs.

When we negotiated the 5-year agreement last October, it was far from clear this recession would be so long and deep. Nor was it clear that the unemployment compensation program would be so unresponsive to the needs of long-term unemployed workers.

Without invoking the emergency designation, the costs of the supplemental unemployment benefits would have to be fully offset by new revenues or budget cuts in the same fiscal year. But it simply is not feasible to expect short-term savings or revenues in such a short period. We are in an era of deficits and tight controls on spending, but we also have a Federal fund that we set up to take care of this kind of situation. And that fund has more than \$8 billion in it.

The budget rules requires the President to concur with the Congress in designating emergency legislation. I urge the President to concur with the Congress on this bill—just as earlier this year the President asked the Congress to pass emergency legislation providing economic assistance to the Kurds, the Israelis, and the Turks. It takes two, and we went along with him.

Now we are asking him to go along with us, recognizing that this time it is American workers who are in trouble. During this recession, 2 million Americans have lost their jobs. They are our families, our neighbors, our fellow workers, and our friends. And we need to help them back on their feet.

I urge my colleagues to support this bill.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Michigan.

Mr. RIEGLE. Mr. President, I again thank and commend the Senator from Texas for the excellent job that he and his staff on the Finance Committee have done in crafting this bill. There are a number of parts of it that needed to be addressed. He has cited them here to deal with this problem and try to put us on a track that will not only respond to the emergency conditions of people out there now but also try to prevent this kind of thing from happening in the future.

I also want to acknowledge the leadership as he did of the Senator from Tennessee, the chairman of the Budget Committee. Senator SASSER has worked very hard on this as has most importantly the majority leader himself, Senator MITCHELL, who has worked with us to move this forward and to help craft this legislative package.

I want to just cite a personal example that I saw the other day in Michigan. The Senator from Texas talks about the human tragedy involved in the massive unemployment that we have across this country today and with more jobs disappearing all the time, unemployed people not being called back to work.

I was over near Jackson, MI, and I was visiting a job retraining center. In that job retraining center they are having many more people come desperate to try to find work and not nearly enough jobs out there for which those workers can go and apply.

But as I was there, a younger man came in, and I would guess his age at about 35. He had under his arm a little manila folder and in that folder he showed me were some work certificates because he was a person who had a master skill in working with machine tools and in the previous jobs that he had had he had done such fine work that he had won certificates in advanced proficiency, certificates which he was carrying with him in hopes that he could convince someone somewhere to offer him a job. I asked him about his personal circumstances and he began to describe his work history, always worked hard. He had an excellent work career. He had been moving up.

Plant after plant that he worked for, however, had shut down, many of them either bought out by a foreign company or the jobs moved overseas. As he was telling me his story, he was overcome by emotion. And tears began to just stream down his face and he explained to me how as the financial problems accumulated and the difficulties within his family increased, that it had broken his family apart and that he had had to leave his wife and leave his children in the northern part of Michigan and come down into the southern part of Michigan. He had lost

his car. He was on an old motorcycle, which was the only thing he could afford to use as a means of transportation to get around. And he was a proud man. And he was a capable man. And to me he represented what America is.

I mean if this country is not going to care about him and others like him, what is our focus? What is our priority? I mean, the fact that we are helping all these other countries around the world and yet turning our back on our own people—I just do not understand it. And it is just not right.

He explained his situation. And that man, he said to me, if I could have my family back I would work 24 hours a day. We have been able to help him. We have worked and worked and helped him and we found a situation for him.

But there are millions more like him and their children are hungry, and they have basic living expenses that have to be met.

Here we sit, we have collected in this national unemployment trust fund nearly \$8 billion, moneys already been collected to help people in precisely this situation. The money has been paid in, it is over there in a so-called trust fund and yet this man and men and women like him desperate for help, out of work, no jobs, cannot get those benefits that are there for them.

You know, why do we call them trust funds? Why are they called trust funds? It is called a trust fund because the money is paid in for a specific purpose and the money is held in a trust. It is held in a trust. That means the money is only supposed to be used for the purpose that it was collected for. And it means that the people in charge of looking after the trust fund have to make sure that they manage it properly and then when the need arises that the money is taken and used to meet the problem for which it was collected.

I think the trust has been violated. It is not operating as a trust fund. If it were, these benefits would be flowing to these people.

What is actually happening here is the same thing is going on in the Social Security trust fund. The Government today is not spending the money on the things that it should be spending it on in these trust funds, but they are building up these surpluses and then using that inflated surplus to hide the true size of the Federal budget deficit over in the normal everyday operations of Government. So the reason that the trust funds are not being used for their proper purposes is that the money is being transferred in budget terms and spent on entirely different things; and that is not only not a matter of maintaining a trust, that is breaking a trust.

When I talked to senior citizens in Michigan and I explain to them that over in the Social Security trust fund where we have been collecting money

for years to pay benefits in the future, over \$360 billion that has been collected for the Social Security trust fund has been taken out of the Social Security trust fund, replaced with an IOU, and that money has been taken over and been spent on things that have nothing to do with Social Security. The money has been spent on the general activities of Government, and the money is gone.

In the future we taxpayers in this country are going to have to take and replace that money. We are going to have to pay taxes over here to replace that \$360-odd billion that has been taken out of the Social Security trust fund so it can be transferred back over to redeem those IOU's that are sitting in the cash box over in the Social Security Administration.

Now, President Reagan came to town for 8 years and left, and systematically used those trust fund surpluses for completely different purposes in a budget and accounting sense to make the deficit seem smaller than it really was, and that is what is going on here.

So you really have a kind of double fraud going on. On the one hand, the money in the Extended Unemployment Benefits Program has been collected to help the unemployed, they are not getting it, that is fraud No. 1.

They desperately need it. The money has been collected for them. The Bush administration says, no dice, you cannot have it.

The second fraud is that over here in a completely different part of the Government we are spending money and crediting the surplus in the Unemployment Compensation Trust Fund against the spending over in these completely different areas, and that is fraud, too. So it is a double fraud.

But to this man I talked about out in Michigan the other day with tears running down his cheeks, a highly skilled worker that has helped build this country, and other working people across this country that helped build this country, and go and fight our wars, and fight them for other nations, when they need help here in America they ought to get the help.

We need a plan for this country. We need help for the American people, and not just for the Chinese, and not just for Mexicans, and not just for the Soviets, and not just for everybody else under the living Sun.

Mr. SARBANES. Will the Senator yield?

Mr. RIEGLE. Let me just not only yield, but let me yield the floor at this time to the Senator from Maryland. I said before his arrival he really has been a key leader in bringing this issue forward. I think it is important that the charts that I know the Senator has prepared have a chance to be a part of this debate.

So let me yield the floor, if I may.

Mr. SARBANES. I appreciate that. Let me follow along with what the very

able Senator from Michigan has been saying. I really want to thank him for his tremendous effort in this regard.

As the Senator explained, employers pay money into a trust fund to pay extended benefits. This is what is happening to that trust fund. It is building up huge balances. At the end of fiscal 1990 the trust fund had a balance of \$7.2 billion. During fiscal 1991, revenues dedicated to the fund will exceed benefits paid by \$1.2 billion. The same is projected for fiscal 1992. Because we are not using the fund, revenues are spilling into another fund. Except for that spillover, the fund would have \$9.6 billion at the end of fiscal 1992, as shown by the last bar on this chart.

This trust fund was created to pay extended benefits in a recession. In fact, it is building up a surplus right in the middle of a recession. It is just bizarre. That is the only word to use for it—bizarre.

Now let me show you what is happening on the payment of extended benefits. This is the average monthly number of persons receiving extended unemployment insurance benefits. When we had a recession back in the mid-1970's, the number of people receiving extended benefits went up to 300,000 to 600,000 per month. When we had a slight recession in 1980, the number went up to that range, and again in 1981 and 1982, the number rose that high. Reagan, Carter, Ford, Nixon, back to Eisenhower and Kennedy—every President, Republican and Democrat, has joined with the Congress to extend unemployment benefits during a recession until George Bush, who has refused to do so.

This is the payment for persons receiving extended unemployment insurance benefits in this recession. It is so tiny, I do not know if you can even see it on this chart. It's down to less than 25,000 workers. Look at that. No one is receiving extended benefits even though the trust fund has this huge balance in it. The very purpose for which the money is being collected is to pay extended benefits in times of recession, and we are not doing it.

Now we have another chart showing how much people are getting in UI benefits to replace the income from the jobs they lost as a consequence of a recession. These are past recessions going back to 1971. This shows the total amount of UI benefits that people get as a share of their lost wages. The regular 26 week program of UI benefits is replacing less lost wages than in the past four recessions. But, the big difference comes in the extended benefits program. In past recessions, extended benefits replaced a significant share of workers' lost wages. In this recession, that is not happening.

Look at what has happened this time. People are losing their jobs. We are not talking about people who have not worked, we are talking about

working people, people who have had a job, have been employed, and are entitled to unemployment insurance. In this recession, less of their income is being replaced than in any of the previous postwar recessions. And the reason that we are not paying these extended benefits is so that the administration can claim to be holding down the deficit. This money, in effect, is being misused by the administration. It is collected on one basis, to pay these unemployment benefits, and instead they are holding it in there in order to make the deficit appear smaller.

The administration is saying that this is a short and shallow recession. But that is simply not the case. We have a recession now that matches the postwar averages in terms of unemployment during a recession. This chart shows the decline in employment as a share of total employment when the recession began. It compares the average job loss during previous recessions with the job loss during this recession. It parallels it. Over the 11 months of this recession, it parallels it.

Look at the unemployment rates. We are now up to 7-percent unemployment last month, 6.8 percent over the last quarter, and if you include people too discouraged to continue looking for work and those who can only find part time work, there is a 10-percent unemployment rate.

Finally, Mr. President, I want to address one other point, and that is the argument that the recession is almost over and, therefore, that we do not need to do anything about unemployment insurance. The fact of the matter is that even after a recession ends, more people join the ranks of the long-term unemployed. This charts the number of workers unemployed longer than 6 months, precisely the workers Senator BENTSEN's bill is designed to help. As the chart shows, the number of long-term unemployed continues to go up for 6 months or so after a recession finishes. It did it previously, and there is every reason to assume that it will do so again after this recession.

So even if the recession ends—and it has not yet ended—there will be a need to extend unemployment benefits. At 7 percent, the unemployment rate last month was the highest it has been through the recession. We have gone in 1 year's time from 5.3-percent unemployment to 7-percent unemployment. We do not know that the recession is over. But even after the economy begins to improve, the number of the long-term unemployed will increase.

The reality of the situation is that working people, people who have held jobs, who have lost those jobs, and who got the 26 weeks basic program, have now exhausted that program and are without any income to support their family, to put food on the table for their kids, to meet the house payment,

to meet the car payment. We are being deluged with stories of people who are losing their homes, losing their cars, experiencing incredible mental and emotional stress because of this situation. We need to give the benefits over a period of time long enough to carry them through the recession so that they are trying to find a job again in an improving job market.

If you lost your job at the beginning of this recession or a few months into the recession, used up your 26 weeks—just the basic program, because there has been hardly any extension—used up the 26 weeks, you are now out of unemployment benefits and you are trying to find a job in a job market which is worse than at the time you lost your job. You could have lost your job last fall when the unemployment rate was 5.6, 5.8 percent. You drew these benefits for 26 weeks. You have now used them up, and you are trying to find a job in a job market where the unemployment rate is 7 percent—7 percent. It was 5.6 percent when you lost your job and now the benefits are gone. We have to do something about this problem. We cannot leave hardworking Americans simply hanging out there.

Now the President does not want to declare an emergency. That is what Boskin says; that is what Darman says. They have declared it an emergency to address the problems of flooding in Bangladesh, drought in Ethiopia and Sudan. That has been declared an emergency by the President's own request. I think it is time to declare it an emergency to help American workers here at home.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. I remind the Senator from Tennessee that, at 9:30, the control of the floor moves to the Republican side.

Mr. SASSER. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, since the recession began, more than 2 million Americans have exhausted their unemployment benefits. The Labor Department estimates that another 3 million will get cut off from the unemployment compensation system in the next year.

The extended benefit program is a plan to reach those workers who, through no fault of their own, have exhausted their extended benefits.

Yet we find that with 2 million workers having exhausted their unemployment benefits, with 3 million reaching the cutoff of their unemployment benefits in just a very short period of time, we find that only 25,000 workers, less than 2 percent of the long-term unemployed, are accessing the unemployment compensation system.

Make no mistake about it, for 5 million Americans and their families, this

is an emergency. It is a human tragedy. I do not believe that any one of us who participated in the budget summit negotiations would disagree that this crisis that working people in this country are facing represents precisely the circumstances for which we created the emergency escape clause in the budget enforcement apparatus.

Far from violating the summit agreement, this proposal employs the flexibility that we intentionally wrote into the new law. It is precisely the kind of exception to the system's rigid constraints that we made room for in our plans and in formulating the budget agreement.

That fact is confirmed, in my judgment, when we recognize that this extended benefit proposal satisfies each and every one of the five criteria issued by the Office of Management and Budget for determining emergencies. No. 1, it is essential; No. 2, it is sudden; No. 3, it is urgent; No. 4, it is unforeseen; and No. 5, it is a temporary situation.

To those who question whether unemployed Americans face an emergency, I would direct you to the States that have been abruptly rejected from the unemployment system, States whose residents have been told that no more extended unemployment benefits checks will be coming. I would say go to West Virginia where the unemployment rate stands near 10 percent and tell the hard-pressed families of that rugged State that their unemployment checks are not essential. They will tell you those unemployment checks are essential. And they meet the test of essentiality set out by the Office of Management and Budget.

Go to Oregon, where the checks for the long-term unemployed have been stopped. Tell them that their problem is not urgent. I think they would agree uniformly that their problem is urgent and meets that element of the criteria set out by the Office of Management and Budget.

Tell the worker in Michigan—and I see the distinguished senior Senator from Michigan on the floor, who has done yeoman service in trying to meet the needs of the long-term unemployed—but tell the worker in Michigan that he should have foreseen being unemployed for more than 6 months. He would tell you could not foresee it. He, or she, has been looking for a job. They want to work and they meet that criterion set out by the administration that their problem was unforeseen.

Tell that to the working families of Maine when the extended benefit system stops working for them. Tell them the loss of income will not be shocking and will not be sudden. They would say to the administration that their loss of income was sudden and meets the sudden test of the administration.

Those who argue this is not an emergency, and it violates the summit agreement, I would say, are simply

looking for an excuse and a crutch to do nothing. As Senators know, and as the distinguished Senator from Maryland has just so eloquently stated, the emergency designation has been used. The fact is, we used it this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SASSER. Mr. President, I ask unanimous consent to proceed for one additional moment.

Mr. WALLOP. Mr. President, reserving the right to object. The time for morning business expires at 10. It was supposed to be equally divided. I will not object, but I certainly will if there is another.

Mr. SARBANES. Mr. President, I would say in response to the Senator, 10:30. So I think his side has, as soon as we finish, until 10:30; not 10 o'clock.

Mr. MURKOWSKI. The Senator from Maryland is correct.

Mr. SASSER. Mr. President, the fact is we used the emergency designation in the budget summit this year to help people very far, indeed, from our shores; far from West Virginia and Oregon and Michigan and Maine. We used the emergency designation to aid the Kurds, and no one objected to that, and I supported the administration's effort to use the emergency designation to help the Kurds. We used the emergency designation to help the Turks. We did not object to the administration using the emergency designation to help the Kurds and we did not object when the administration forgave the Egyptian debt of billions of dollars. We did not object when the administration forgave the debt of Poland to the United States. The administration supported assistance to the Sudan, to Ethiopia, to Angola, to Bangladesh. These are all worthy uses.

Mr. President, it is high time the administration started supporting aid to our people who face an emergency situation. That emergency is citizens of this country who want to work but cannot find work, and find themselves in desperate straits and unable to access the unemployment compensation system that has been available to them since 1935 but is unavailable today.

We must not succumb to the perverse logic that considers an emergency abroad a higher order of need than one right here in the United States.

Since the Great Depression, a fundamental social contract between our people and our Government has been forged.

During good times, Americans pay part of their earnings into the unemployment insurance system. When the business cycle takes a downturn, the Government steps in and uses this money to help those who bear the brunt of these capricious cyclical swings.

During every recession since the Second World War, this Government, whether Democratic or Republican, has

expanded unemployment benefits beyond 26 weeks.

It is time to renew that social contract, to pull together and help American families in desperate need.

Mr. ADAMS. Mr. President, in a few hours the Senate Finance Committee will take up legislation to help the more than 8.75 million jobless Americans. I strongly support this bill and will work diligently to ensure its swift passage.

In the past year, more than 2 million Americans have lost their jobs, and in June, the unemployment rate rose to 7 percent—the highest in almost 5 years.

In Washington, we have a Swiss cheese economy. Portions of the State involved in high technology, aerospace, and sunrise industries enjoy relatively stable and often strong economic growth. In other areas, like the 20 out of 39 counties whose economies depend on the timber supply, people are suffering. Lewis County, for example, has an unemployment rate of 9.6 percent. Washingtonians in these areas have been hit by a double-whammy: They are reeling from the effects of the Bush administration's nationwide recession and from the timber supply crisis facing the entire Pacific Northwest.

Yesterday, I introduced a bill to begin a comprehensive, ecosystem based approach to managing our forest resources in Washington. A key element of this legislation provides extended unemployment benefits to displaced timber workers. My legislation is modeled on the bill Senator BENTSEN will markup today.

It is easy for this administration to ignore the unemployment, but it is unconscionable for the Congress to do so. How can we explain to Americans who face losing their cars, homes, and life savings that there is \$8.2 billion in the extended benefits trust fund? How can we tell those who have paid into this fund that in a time of crisis, they will not be helped?

The program we are proposing in the Senate will provide extended unemployment benefits to those who have exhausted their benefits. Only 3 percent of unemployed Americans received unemployment insurance benefits this year.

The President has asked Congress for \$410 million in emergency aid for the Kurds, \$7 billion in emergency aid for Egypt, and \$6 billion for Turkey. Jobless Americans are also living in an emergency. Why can't we help our own?

I urge my colleagues to join us in supporting this critical, emergency legislation.

Mr. MITCHELL. Mr. President, on January 16 of this year, I appointed a task force of 15 Democratic Senators to develop recommendations to spur economic development throughout the Nation.

The chairman of that task force, Senator RIEGLE, worked for months to

present several options to the Senate. One of the most important recommendations put forth by the task force was unemployment compensation reform. Another was to increase spending for highway repair and construction to speed up the rate at which jobs are created.

In May I joined with Senator BENTSEN, the chairman of the Senate Finance Committee, and with the leadership of the House of Representatives to announce an economic recovery and growth package.

The package we announced was an outline to create jobs, to respond to the needs of the unemployed, to provide American families with a tax cut for the middle class, and to set the stage for long-term economic growth.

In June, the Senate passed the Surface Transportation Efficiency Act, better known as the highway bill. Once enacted, that legislation will create millions of jobs throughout the country.

The Senate Finance Committee will shortly markup legislation to reform the unemployment compensation system and to provide additional unemployment benefits to Americans who through no fault of their own have lost their jobs. I hope that the legislation will soon be approved by the full Senate.

When our economy is growing American working families prosper, living standards go up and business expands.

But our economy isn't growing. It's shrinking.

We're in a recession that the President has ignored. For the past year, as the economy declined, the Bush administration has done nothing.

The recession began last July. It hasn't been short or shallow. For workers who've lost their livelihoods, it's already too deep. For businesses strapped for credit and customers, it's already been too long.

There are over 8.7 million Americans who are unemployed. Some 2.8 million Americans exhausted State benefits between July of last year when the recession began and July of this year. The national average unemployment rate is 7 percent, the highest level reached since September 1986—nearly 5 years ago.

On Tuesday, the Chairman of the President's Council of Economic Advisers, Michael Boskin, testified before the Joint Economic Committee that over 3 million Americans will exhaust their benefits by the end of the fiscal year and that the national unemployment rate will remain above 6 percent over the next 2 years.

Eighteen States have unemployment levels at 7 percent or above. Another 18 States have unemployment levels at 6 percent or above. These numbers do not even count those Americans who are working part-time because they can't find full-time jobs or those who

have become so frustrated that they have dropped out of the labor force.

Most State unemployment programs offer 26 weeks of benefits as partial wage replacement. During tough economic times, when jobs are harder to find, States trigger onto what is known as the Extended Benefits Program. This program is designed to offer Americans an additional 13 weeks of benefits once their initial 26 weeks have elapsed.

One would think that with 8.7 million Americans unemployed and over two-thirds of the States with unemployment rates above 6 percent, that many if not all of these States would trigger onto the Extended Benefits Program. But that's not the case.

Despite the severity of unemployment throughout the United States, only 8 States have triggered onto the Extended Benefits Program. Five of these eight States have already triggered off—they are no longer eligible for the extra 13 weeks of benefits. These States include Massachusetts with a 9.5-percent unemployment rate, West Virginia with a 9.7-percent unemployment rate, and Michigan with a 9.1-percent unemployment rate.

I have been informed that my own State of Maine, with an unemployment rate of 8.3 percent, is likely to trigger off the Extended Benefits Program in August.

This is not right and this is not fair. Americans go to work knowing that if they become unemployed through no fault of their own and have worked enough quarters to qualify for unemployment benefits, that they will receive those benefits. Employers know that they pay FUTA taxes so that in the event of a recession their taxes will be used to pay unemployment benefits.

But during this recession, large numbers of unemployed families are not receiving benefits and of those who have received benefits, too many have exhausted those benefits. The taxes that businesses pay are growing in the unemployment trust fund. The trust fund surplus is about \$8 billion today. That surplus is expected to grow to \$9.5 billion during the next fiscal year.

How can we have a situation where 8.7 million Americans are unemployed and yet a trust fund established to address the financial plight of the unemployed is growing?

Again, I say that it is not right and it is not fair. Taxes are collected to pay unemployment benefits and those who are unemployed ought to receive benefits.

Repeatedly over the past several months, the President's senior advisers have said that the Extended Benefits Program is working fine and that no revisions are necessary. From the Secretary of Labor, Lynn Martin, to the Assistant Secretary of Labor, Robert Jones, who have testified before congressional committees, the message is

clear: If the system ain't broke, don't fix it.

I believe that the system is broken. In fact, I believe that the system is a wreck. In my own State, the lines to file for unemployment benefits have been so long that a fire marshal has had to ask those waiting to leave the premise. Yes my State will join the long line of others next month that are ineligible for extended benefits although the unemployment rate remains high.

The President hopes that the recession will end soon and that unemployment will decline. Yet his own Chairman of the Council on Economic Advisers has said that unemployment will remain high for the next 2 years.

Working men and women and the families who depend on their paychecks can't pay their mortgages with Presidential hopes. They can't put food on the table with kind words.

Democrats don't think we can afford to hope our way into the 21st century. Democrats think we should act.

The Senate Finance Committee will consider legislation to provide additional weeks of unemployment benefits. The number of additional weeks provided to each State will increase as the rate of unemployment in each State increases.

The legislation will have the designation of emergency because we believe that unemployment is a national emergency.

We can hope no longer. The time to act is now. The current system is not fair and it is time that the unemployment compensation system worked as intended.

Mr. ROCKEFELLER. Mr. President, I rise today to lend my strong support to Senator BENTSEN's legislation to establish an emergency unemployment insurance program designed to ease the hardships of unemployed Americans who are struggling because of the lingering recession.

I am proud to cosponsor this much needed initiative and supported it during today's markup in the Senate Finance Committee. American families and the unemployed desperately need this legislation. Congress must act swiftly, as we are. President Bush should work with the Congress by signing the bill and invoking the economic emergency budget clause required to implement this program. For States still reeling in the recession and unemployed workers who can't find a decent job, this is a genuine emergency situation.

Earlier this month, our Nation's unemployment rate climbed to 7 percent, the highest rate since late 1986. In my State of West Virginia, the unemployment rate is 9.7 percent. This statistic translates into over 76,000 unemployed people—men and women who have families to raise, house payments to make, and groceries to buy.

Despite this high unemployment rate and the long-term economic problems in my State, on July 13, 1991, unemployed people in West Virginia lost their extended unemployment benefits. This is a tragic situation for over 5,000 workers who were cut off from benefits and left in the lurch.

It is a shame that our current unemployment insurance safety net has such gaping holes and is unable to respond to the needs of Americans during this recession. I know there are some basic issues that need to be addressed in the unemployment insurance system, but our first priority must be to respond swiftly to the needs of the unemployed who are struggling right now.

This legislation does just that. It establishes an emergency Federal program to provide extended benefits to long-term unemployed workers who have exhausted their basic unemployment benefits. Under this bill, all States would be eligible for benefits based on a sliding scale, determined by the average total unemployment rate in each State over the preceding 6 months. Understandably, unemployed individuals in States with higher unemployment rates will receive extra weeks on extended benefits because they face a harder time finding a new job.

This legislation will be funded through a surplus in the Federal unemployment insurance trust fund. In my view, the trust fund money was collected as a reserve to respond to recessions and economic downturns. It is good to have such a reserve, but important to use it to meet the current needs of millions of unemployed Americans. The unemployment insurance trust fund has \$8 billion, more than enough to cover this emergency program.

I have heard from West Virginia families who are struggling in this recession. Some have just been cut off from extended benefits. Others are carefully counting the numbers of weeks they have left for standard benefits. All of them have bills to pay. This is an American emergency and I urge President Bush to join with Congress in responding to the needs of unemployed workers.

WETLANDS CONSERVATION MANAGEMENT ACT OF 1991

Mr. MURKOWSKI. Mr. President, it is my understanding we have approximately until 10:30 reserved for a series of statements on the Wetlands Conservation Management Act of 1991.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I have approximately 11 Senators who wish to discuss the problems of our Nation's current management of wetlands. I have been asked to manage the

Senate floor for today's wetlands debate.

At this time, in order to accommodate Senator WALLOP, who must leave for the White House very shortly, I yield to Senator WALLOP.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

GRAZING FEES

Mr. WALLOP. Mr. President, one of the better things that came from the Senate Interior appropriations bill is the recognition that there is not a problem with the PRIA grazing fee formula. I appreciate the committee's work in this regard.

An increase in the grazing fee as proposed by the House would literally cause the collapse of the economies in many rural Western communities. In the public lands States, the mixture of Federal and private lands is the fabric of the economy.

Just the talk of an increase has hurt land values. A Wyoming realtor recently closed the sale of a summer pasture grazing unit. Eight-two percent of the unit's production was dependent upon Federal lands use. As a direct result of the uncertainty over the proposed grazing fee hike, the final sales price of the land was reduced by 20 percent.

And take a look at what is happening with the national grasslands. The grasslands, exempted from PRIA, has a grazing formula based on data from the 9 Great Plains States versus the data from the 11 Western States used in PRIA. The base of the grasslands formula is \$1.33 as opposed to PRIA's base of \$1.23. Only 10 cents difference and yet according to a South Dakota survey, the bankruptcy rate on ranches with national grassland leases is three times higher than for other ranches.

It makes absolutely no sense that Congress pumps millions of dollars into rural communities, funding everything from health care to transportation, yet at the same time would turn around and take away the West's very lifeblood—the ability to make a living.

Anger and frustration are at high levels in Wyoming. Traditional values and a way of life are being threatened. Westerners fear they are going to lose something worth keeping. I am here to see that does not happen.

Mr. President, I ask unanimous consent a letter to the editor of the Washington Post, and an idiotic editorial from the Washington Post on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 12, 1991.

MEG GREENFIELD,
Letters to the Editor,
Washington Post,
Washington, DC.

DEAR EDITOR: Sometimes it helps to mix a little fact in with a lot of rhetoric. I am re-

sponding to your July 9, "The Grass Grab" editorial and would like to provide you with a few "real life" facts.

First, grazing fees are not a "subsidy". The fee formula enacted by Congress in 1978 was designed to keep the total costs of grazing on federal lands, including improvements that ranchers must pay for, equal to the total costs on private lands. There is no subsidy.

"Low" grazing fees cannot result in overgrazing. The Forest Service and BLM decide how many animals the range can carry, based on the conditions of the land. Even if the fee was zero, there would be neither more nor less cattle allowed.

The western public rangelands supply some 20 percent of the nation's feeder cattle—our beef supply. The two percent number appearing in your article is a figment of the imagination of some who would like to see public rangeland grazing eliminated.

Current grazing fees are fair. The formula setting them works and should be retained. Before you step barefoot into a cowpie, you should work harder to understand the west. The deer and the antelope run free; cows certainly do not.

Sincerely,

MALCOM WALLOP,
U.S. Senator, Wyoming.

[From the Washington Post, July 9, 1991]

THE GRASS GRAB

One way of making sure that even the most egregious federal subsidy survives is to keep it small enough that most people won't care if it continues to exist—while of course the beneficiaries care mightily. That guarantees a familiar mismatch: Pierce defenders will defeat merely dutiful attackers almost every time. So it has been with the generous subsidy given western ranchers in the form of cut-rate grazing fees.

The fees have been mainly attacked on environmental grounds; they lead to overgrazing such that the government itself now says that most of the land in question is in poor condition. The fee structure is suspect on distributional grounds as well. There are not many beneficiaries, some of whom are quite large and the opposite of needy. The Interior Department's Bureau of Land Management runs the main program. It leases about 250 million acres to an estimated 25,000 permit-holders (who produce only about 2 percent of the nation's meat); the public permits add to the value of the holders' private land.

Fees are expressed in terms of animal unit months, or AUMs; an AUM is what a cow and calf combined or a mature horse or five sheep might eat in a month. The going private or market rate for an AUM is now more than \$9. The BLM rate is less than \$2—and less than it costs to administer the leasing program. The House voted 232 to 192 as part of the Interior appropriations bill to raise the BLM rate to \$8.70 by 1995, and after that to index it to the private figure. Much of the money would go for badly needed reclamation. You would think that, with all the talk in recent years about the importance of the environment, the virtue of user fees in a tight budget and the danger of interfering in private markets, the administration might have been in favor.

It wasn't, in part for the good political reason that some of the present system's stoutest supporters are also stout Republicans who in other contexts love nothing more than to denounce federal subsidies. Now the legislation goes to the Senate, where the less populous western states have greater leverage. A similar House proposal was killed in a

conference with the Senate last year. But the Hosue has the right position, and this year it should hold firm.

WETLANDS

Mr. WALLOP. Mr. President, one of the more contentious issues which will come before the Congress in the near future will be the issue of wetlands and the role of the Federal Government with them. The issue has all the potential for embroiling the Senate in an emotional and acrimonious debate. Yet one would sincerely hope that we would be able to avoid the emotion and the acrimony and go to what is at issue. But I seriously doubt that is the habit of the Senate.

My basic concern is that two forces are combining to frustrate reasoned discussion and responsible administrative action. The first is the tendency of the Federal Government to concentrate power on itself. The second is the inevitable result of this act of concentration—that is the triumph of technology over thought.

Uniform standards based on an automatic formula are simple to administer and brutal in their result. Discretion requires thought. It requires judgment. It requires a weighing and balancing. Most important, it involves responsibility and the willingness to accept responsibility. Bureaucrats by nature hate responsibility, as do the special interests who seek only their agenda.

Wetlands are one part, an important part, of our land base in America. Wetlands support fish and wildlife habitat. Wetlands are the sponge and the purifier through which most of the significant environmental benefits of the Earth take place. Wetlands provide significant recreation and environmental benefits. I fully agree and my colleagues all will fully agree that wetlands are a valuable resource. What I find difficulty with is the elevation of wetland protection over all other values and the facile way administrators have of defining what is a wetland. The dialectic troubles me rather than the objective.

Perhaps an expansive definition of what is a wetland is useful if your objective is to consolidate power, but that approach contains the seeds of its own destruction. The more we expand the definition of lands subject to Government control, the tighter we draw the noose around our ability to make informed and rational decisions with respect to America's future. If Tundra is a wetland, then Alaska no longer has the zoning and land use decisions reserved to the States under our Constitution.

One of the tenets of law is that each parcel of land is unique. It is that uniqueness which makes land use determinations so critical. The purposes for which an individual parcel may be used, the values which it supports, are decisions reserved to the several States. We are rapidly eroding that

concept in America. Yes, wetlands are important to habitat, but so too are uplands. What we are in danger of losing is our sense of what our objective is. Expansive definitions, coupled with inflexible standards, may be an administrative paradise, but administrative convenience should not be our objective.

I do not argue that we should avoid the discussion of wetlands. Nor do I suggest that progress has not been made. The proposed revisions to the Federal delineation manual seem to be a good faith effort to better define what a wetland is and to address some concerns of private landowners and businesses all across America. The full public review and opportunity to comment which will be provided with regard to these revisions are an additional step in the right direction.

But we must keep in mind that the States and local units of government must retain their authority to make basic land use decisions. We must ensure that the Federal Government does not become some cyborg terminator, ruthlessly eliminating any perceived threats to its power. The administrators, the bureaucrats must recognize that there are values which we must support—and can destroy by overreaching in mad pursuit of inarticulate policies.

Policymakers must remember that land is unique—as Will Rogers said, "they ain't making any more"—then we can avoid the imposition of inflexible standards on parcels of land which do not not support the values the standards were intended to protect.

The Senate discussion of wetlands will be important so long as we talk about the objectives of it, and the technology of it and not the passion of it.

Mr. President, I thank the Chair and yield the floor.

Mr. MURKOWSKI. Mr. President, again I want to apologize for my colleagues, but in view of the fact the other side took an extra 7 minutes, I ask unanimous consent that our side may be allowed to speak until 10:40.

The PRESIDING OFFICER. Without objection, it is so ordered.

WETLANDS PROBLEM IN ALASKA

Mr. MURKOWSKI. Mr. President, I do rise today to discuss the problem of our Nation's current management of wetlands. Earlier this month, on July 11, 1991, I joined with Senator BREAU; the senior Senator from Alaska, Senator STEVENS; and many other Senators, some of whom are represented on the floor today, to introduce the Comprehensive Wetlands Conservation Management Act of 1991.

At that time, I addressed many of the problems associated with the current Wetlands Protection Program in our Nation. Today I would like to focus specifically on the wetlands problem in my State of Alaska.

Mr. President, currently Alaska contains 170 million acres of wetlands, a

total area larger than the entire land mass of the States of California and Oregon combined. Alaska contains over half of the wetlands in the entire United States. In fact, Alaska has 65 million acres more wetlands than all the wetlands in the lower 48 States combined; that is, with the exception of Hawaii. Wetlands cover over 45 percent of the land surface of Alaska, and on the North Slope of Alaska, 99 percent of the land surface is wetlands.

Alaska, in reality, is completely saturated in wetlands. Permafrost, for example, which covers nearly a third of our land mass, classifies as wetlands because of the water saturation. Yet, it is, for all practical purposes, permanently frozen.

Let me address wetlands loss. The total amount of wetlands loss in Alaska is less than one-tenth of 1 percent. Compare this with the lower 48, where over 50 percent of the original wetlands have been lost. No other State in the Nation has over 99 percent of its original wetlands. In fact, no other State can even come close.

New Jersey, the next closest State, has lost 9 percent of its wetlands. That is 90 times greater percentage loss than the State of Alaska. California has lost 91 percent of its wetlands. That is nearly 1,000 greater percentage loss than Alaska.

Let me refer briefly to this chart, Mr. President, because I think it represents what we are attempting to depict. Wetlands losses in the United States, 1780's to 1990's. The chart lists several figures related to wetlands loss in the United States: The chart shows 53 percent of wetlands have been lost in the lower 48, compared with the State of Alaska, where one-tenth of 1 percent is lost.

If one looks at the estimates of existing wetlands, 104 million acres, vis-a-vis 170 million acres in Alaska. I think that makes my point. Mr. President, I want to be very clear, Alaska does not have a wetlands loss problem and should not be held hostage to the wetlands problem in the lower 48. The problem simply does not exist in my State of Alaska.

Mr. President, the current Wetlands Protection Program is not working in this country. The section 404 program of the Federal Water Pollution Control Act is not an effective tool in conserving our wetlands. The good intentions of several Federal agencies to protect our Nation's wetlands has been, in the opinion of the Senator from Alaska, a complete failure. Private property owners in Alaska regularly experience ridiculous bureaucratic nightmares and senseless project delays.

Mr. President, Alaska contributes greatly to the Nation's wetlands resource and should not bear the burden of unnecessary wetlands regulations. We do, and want to do, our fair share. However, we can no longer let Federal bureaucrats and the courts stifle eco-

nomic development and progress in the name of preservation without reason. Economic development in Alaska will grind to a complete stop.

My constituents are currently at the mercy of a Federal bureaucracy that is trying to apply regulations intended for the lower 48 in Alaska. The national policy of "no net loss" of wetlands as currently interpreted and applied by the Environmental Protection Agency and other regulatory agencies in Alaska is a "no net development" policy.

Why? Because in Alaska, if you can build on it, it is a wetland. I cannot think of a town in Alaska that was not built on wetlands or is bordered by wetlands. I am not joking when I tell my colleagues that in my State we are either on a mountain, a glacier, or a wetland.

One can go back, in recent examples, in June, where they proposed to build a school on the side of a hill. It was classified as wetlands because drainage around the area flows into a creek that flows into an anadromous stream that flows into saltwater.

Mr. President, virtually every stream in Alaska fits that category and, therefore, every drainage area automatically becomes a wetland even if it is on top of a hill.

We have seen in Fairbanks citizens with their summer homes cutting brush around their lake in front of their summer homes, a combination of Federal and State agents flying around the lake taking pictures, issuing letters, threatening fines of up to \$5,000 or jail sentences. You could drive around the lake. There is a road around it. You could walk the beaches. The system has run amok, Mr. President.

Senate bill 1463, the Comprehensive Wetland Conservation Management Act of 1991, attempts to correct our Nation's wetlands problems by classifying wetlands into three categories based on their functional value. That is what makes this legislation so real, Mr. President. Different levels of regulatory scrutiny are applied depending on the relative value of the area. For a State like Alaska, with over 170 million acres of wetlands, this type of ranking system would provide the flexibility needed to address Alaska's unique wetlands situation. Not all of our wetlands have equal function or value. Some deserve very special protection, and they should get that protection, while others are so abundant and have such low value that development would have a very minimal impact on the total Alaska wetlands resource.

S. 1463 acknowledges that a wetlands protection program must protect the property rights of private property owners. A very large percentage of the wetlands in this Nation are privately owned. If the United States is going to prohibit development to protect wet-

lands, then the United States must compensate wetlands owners for the taking of their property. Again, this is especially important in my State of Alaska. Only 1 percent of the land in Alaska is privately owned. If private landowners are restricted from developing their lands without compensation, there will simply be no private development in Alaska.

The proposed legislation would also authorize and encourage States to establish a mitigation banking system. Such programs would allow a credit to be provided on an acre-for-acre or value-for-value basis for Federal land in protective status. This will help preserve the wetlands that are of critical significance to the long-term conservation of specific ecosystems. I strongly support this concept.

Mr. President, responsible wetlands regulation should be based on the extent and proportional loss of resources in any individual State. Many States in the Nation have lost over 75 percent of their original wetlands. In Alaska, we have over 99.95 percent of our original wetlands intact today.

Let's solve the wetlands problem where there is a problem. Responsible development of Alaska's wetlands is simply critical to the economic viability of my State. Congress must recognize this wetlands diversity and develop a national wetlands policy that strikes a rational balance between conservation and economic development.

Mr. President, I yield to the Senator from Kentucky.

WETLANDS

Mr. McCONNELL. Mr. President, wetlands serve many valuable environmental, economical, and agricultural purposes. Not only do wetlands serve as a habitat for wildlife and fish, but they are also instrumental in water treatment and purification. Wetlands also play an important role in erosion and flood protection.

The debate and legislation over wetlands reached a new level in 1972 with the passage of the Clean Water Act by Congress. Section 404 of the Clean Water Act began the era of wetlands protection. It gives the Corps of Engineers the power to issue permits needed to dredge or fill wetlands. Anyone wishing to alter a wetland by making it deeper or filling it must apply to the Corps of Engineers for a permit.

In addition to the 1972 Clean Water Act, Congress passed the Swampbuster provisions in 1985 and further complicated the wetlands issue. The Swampbuster provision gives the U.S. Department of Agriculture the power to deny Federal commodity crop subsidies to farmers planting on wetlands which have been converted to agricultural uses after December 25, 1985.

Of the figures I have found, it is reported that agricultural wetlands consist of 75 percent of the estimated 95 million acres of remaining wetlands.

Over 71 million acres of wetlands are located in private largely agricultural lands. The American farmer is by far the most affected party in the wetlands debate and because of the broad interpretation of the Clean Water Act, areas of little or no ecological value are often classified as "wetlands."

Many problems have resulted from the wetlands legislation. In fact, it could be argued that American farmers are spending more time trying to comprehend wetland regulations, than they spend producing food to help the world. The wetland regulations have become a mess of tangled, conflicting requirements under the control of four separate Federal agencies.

Four Federal agencies, the EPA, FWS, corps, and SCS all attempt to regulate and control the wetland process. These agencies all serve different constituencies and therefore follow different agendas. Having four Federal agencies attempting to control one area has, and will continue to cause, much confusion. The agencies are developing overlapping regulations which run contradictory to one another.

We cannot continue to classify every mudpuddle in America as a wetland in need of conserving. The American people have a simple choice. They can have all the wetlands they want including every mudpuddle in America or they can have food on their tables. The American farmer realizes the importance of wetlands. Wetlands affect them directly by serving as sources of wetland and also by serving as flood protection in heavy rains.

The U.S. Government cannot protect every mudpuddle. If they do, they must under the fifth amendment justly compensate each landowner for the protection of that mud puddle that exists for only a couple of days a year. The choice is simple. The Government needs to concentrate on protecting the wetlands of environmental and national importance.

Solutions to the wetland problems require only commonsense adjustments. First, the Federal Government must set a strong standard for regulation.

Second, and at the heart of this issue are the rights of the private property owner. The legality of the Government disallowing use of land, yet still requiring taxes to be paid on it, could certainly be questioned under the fifth amendment. The fifth amendment states, " * * * and in fact, we are taking private property without just compensation".

Third, we must define wetlands in a clear concise manner. One of the difficulties with past legislation is that no one agreed on a definition. The public must understand and be made aware of the wetland definition and its importance.

Finally, Federal oversight and regulations concerning wetlands must be

consolidated. The issue itself is confusing enough as it is without having to get four different agencies attempt to agree on wetland policy. The Government and the American people will be better served through a consolidation of authority.

The leading power on this issue should be an organization that is in constant contact with the wetland area, the people most affected by wetland policy, and have the technical expertise to understand and implement the regulations in question.

Wetland classifications must be developed to assist in the permit process. Once wetlands are classified into categories according to their environmental worth, the permit process will be more accountable and justifiable. Along with the definition of a wetland, the different classifications of wetlands must also be defined. The classification system, along with an avenue for appeal, will assist greatly in the fairness of permit applications.

The alteration of a wetland must also be defined. Under the Clean Water Act, section 404, regulates new development and construction actions, but it does not clearly regulate draining, excavation, or flooding of wetlands. It is mostly related to normal farming activities. Since, draining, clearing or burning is not included clearly in the alteration of wetlands, these actions should be defined and either included or excluded from the regulations.

The American public and the farmers recognize and appreciate the value of the American wetlands. We must conserve and protect our remaining wetlands for future generations, but not violate individual private property owner's rights. I am confident a balance can be restored to our Government's wetland policy and will work to that end.

Mr. GARN. Mr. President, I yield to the junior Senator from Utah [Mr. HATCH].

GRAZING FEES

Mr. HATCH. Mr. President, many of us in the West are becoming increasingly concerned with what appears to be a widening campaign to restrict access to and use of our public lands. In the public land States of the West our economic future, in great part, lies with our land and how it is managed. Obviously, any decision concerning the management of those lands is going to be of great interest to us. Westerners are the ones who must live with the effects of new land management policies. However, we often find that the fate of our region is being determined by people who do not live there and have no stake in the outcome of the decision-making process.

Unfortunately, the human cost of many of these decisions is not apparent to those who live far from the affected areas. They never comprehend the enormous impact that their decisions

can have on people. One of the most devastating disasters that can befall a man or woman is the loss of a job. However, in making so-called environmental decisions, trees, toads, and squawfish often receive more consideration than the working man or woman.

One of the provisions in the House Interior Appropriations bill would, if passed, dramatically alter existing and traditional Western land uses while placing thousands of Western jobs in jeopardy. While there have been attempts to rationalize the so-called Synar amendment as an equalizing effort that brings the costs of grazing on Federal lands in line with those grazing on private property, it is really an attempt to price Western ranchers off the public land. Passage of the Synar amendment, which would increase the grazing fee by 500 percent, would be an economic disaster to the rural West and would likely destroy a way of life.

Mr. President, approximately 27,000 livestock operators graze cattle and sheep on western Federal lands. Those lands are managed primarily by the Bureau of Land Management and the U.S. Forest Service under the multiple-use principle. Most livestock operations are small, family-owned farms and ranches that are economically dependent upon the use of public lands for livestock grazing.

These grazers or permittees pay a fee to graze livestock on the Federal lands, and that fee is fair. The Federal grazing fee is determined by a formula set by Congress in 1978 with bipartisan support, including that of the Carter administration. The formula was later extended by President Reagan by Executive order and has since been upheld in Federal court. The current fee is based on market conditions and goes up or down depending on three market variables that are measured by the Government each year: Private lease rates, beef cattle prices, and production costs in 11 Western States.

News story coverage of the grazing fee controversy commonly deal only with the fact that private grazing fees greatly exceed those charged on Federal rangelands. This leads to a seemingly obvious conclusion that "Federal grazing permittees are being subsidized." But, Federal grazing fees are only a small part of the total costs paid by ranchers who graze livestock on public lands.

There are two main reasons why there is a difference between private and public grazing fees. One reason is that Federal permittees incur far greater operating expenses than private operators. For example, the expenses associated with the construction and repair of improvements, such as fences and corrals; revegetation; livestock doctoring; herd supervision; gathering; moving; salting; water hauling and pumping; supplemental feeding; resource harvesting; noxious weed

control; pest control; parasite control; and predator control are all the responsibility of the permittee.

Mr. President, the Synar amendment clearly fails to comprehend the real-world operating costs of Federal permittees. The western permittee faces obstacles that are unique to grazing on Federal land. Factors such as higher mileage to and from base property to the ranges, shorter growing seasons, higher death losses, frequent changes in BLM and Forest Service management personnel and policies, frequent instances of significantly lower quality forage, and competition with wildlife and other multiple-use management plans compound the problems faced by the permittee. No study of the comparability between public and private grazing fees can be credible in the absence of such data.

The second reason why public land grazing fees do not provide Federal permittees an economic advantage is that Federal permittees have incurred extra costs when they acquired their ranch properties. When permittee ranchers bought their ranch properties, they paid for the land's increased value—either through capital outlay or increased inheritance tax—that was gained from having a public land grazing permit assigned. The value of the grazing permit was capitalized into the value of the private ranch property and paid by the permittee in the form of higher costs. It has been shown that the total costs of grazing Federal range are about the same as those leasing private range if the permittee's capital investment in the grazing permit are considered.

The economic importance of the livestock industry in the West is significant. The livestock industry in the 13 Western States represents 2.4 million head of cattle and 5.8 million sheep. The 1987 cash receipts from cattle and calves in these States totaled \$9.2 billion, and receipts from sheep and lambs totaled \$339.1 million. Byproducts, such as wool, hides, and medication, such as insulin from animal organs, also contribute to the overall economy. The multiplier effect in terms of personal, county, and State income, purchasing power, and direct and indirect employment is clearly of major economic significance to individuals, families, local dependent communities, and the entire Western region.

Mr. President, public lands livestock grazing constitutes a critical part of our Western lifestyle and provides many important environmental, economic, social, and cultural benefits to all Americans. The Synar amendment would inevitably force ranchers out of business, hurt rural economies, and destroy a distinctively American way of life. Such action is not warranted and I for one do not intend to let this happen.

WETLANDS

Another issue that is causing considerable concern among many of us is the management of our Nation's wetlands. While all of us realize there is a need to protect our remaining wetland resources, there is also a shared belief that the existing Federal wetland policy is extremely confusing and has created much hardship among landowners throughout the country.

The widespread misunderstanding about what is or is not a wetland is causing problems in my home State of Utah. Utah is the second most arid State in the Nation. We have about 1,250 million acres of irrigated farmland in our State, or just over 2 percent of our total land area, and the remainder of the farmable land is dry-farmed. Many of the areas in Utah that would qualify as wetlands have been artificially created through our extensive irrigation system. Population increases demand that we improve the efficiency of our irrigation systems. These improvements include repairing leaky canals and piping or lining canals. Each of these procedures will reduce water loss, an absolute necessity in Utah, but they also dry up artificial wetlands created by the leaks. However, under current Federal wetland regulations, these necessary improvements can be severely restricted.

In addition, most wetlands in Utah are on private property. In several recent instances, the Corps of Engineers has placed restrictions on private landowners that will clearly decrease the value of those private lands. However, no compensation for this taking of property rights has ever been offered.

The complaints I have received concerning the substantive and procedural defects in the current wetland regulations have made it clear to me that Congress needs to consider this matter. I would like to compliment Senator BREAUX for introducing legislation that addresses many of the problems with our wetland policy.

Mr. President, I have cosponsored the Breaux bill because I believe we need a wetland policy that provides clear direction and guidance for wetland protection and management. That policy should contain a definition of wetlands that reflects an acceptable melding of national, State, and local input and should call for a coordinated inventory of wetlands based on such a definition. In addition, any supportable wetlands policy must adequately consider the private property rights of individual citizens. I hope that this legislation is the first step in a thoughtful, well-reasoned process to bring some clarity to a confusing situation.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Montana.

ISSUES OF THE WEST

Mr. BURNS. Mr. President, I thank the manager this morning. All of these

issues seem to trouble those of us who live west of the Mississippi River. We will hear great speeches on environmental issues that pertain to, supposedly, this whole country.

I happen to come from a State which has the largest Superfund site in America. It has been the largest for the last 10 or 15 years. I do not know how much money has been spent up there in Butte, MT, to deal with water quality, the Berkeley pit, but we have not turned one shovel of dirt. We do studies.

Now we are concerned about a pit that is filling up with water and that water is metal laden with arsenic, with a chance of making the alluvial lip of the pit itself breaking into Silver Creek which all ends up in Portland, OR, at the mouth of the Columbia. We know this. All of us know it, but somehow it never gets addressed. That is a bureaucracy that is charged with cleaning it up and has not turned one shovel of dirt.

But, let us talk about some issues of the West. I was raised in the Midwest—yes, east of the Missouri but west of the Mississippi, which helps a little. There are different management practices that have to be applied to every acre of land and soil in this country to make it productive.

We are not in the logging business in Montana. We are not in the wheat business. We are not in the cattle business. We are in the food and fiber business. That is what agriculture is, food and fiber for a society, so a society can raise its children, pay for their homes, and have some of the amenities of a free society, so they do not have to spend every nickel they earn just to provide the necessities called food, shelter, and clothing.

We spend less of our disposable income on those necessities than any other nation in the world. And why? Because we are productive; we are efficient. Yet, whenever we start to address some issues, some person who has never produced anything in his life from the soil, where all life begins—and by the way that is where it ends—comes out and says we are doing it wrong.

When I moved to Montana—my first exposure to Montana was 1953—I did not understand public lands and the issues that were there, coming from a State that has very few public lands. You have to live there a while.

Wetlands in eastern Montana; the rainfall, excluding the snow, is only 14 inches a year. We know a wetland when we see it. It is not very often. But yet they come in and try to apply the same rules to us as applied in a coastal region or where the rainfall is heavier and water management is more difficult.

Out in our country they say whiskey is for drinking and water is for fighting. That is true. I tell you that if you

do not get it, you do not grow much up there.

So all of those developments of irrigation, sometimes we have cases where they want to shut down an agricultural operation, a food and fiber operation for this country, because of a leak in an irrigation ditch. We put the irrigation ditch there to raise crops. If one lily pad springs up, they shut her down. We have instances of that. That is all I am going to say on wetlands.

Food and fiber—that is the business we are in. Out of the State of Montana alone in our wood products industry in our great national forests, we cut enough lumber to build 150,000 homes. Those folks who say do not cut a renewable resource are the same people who are demanding a frame home. They want it nice.

Four billion quarter pounders—McDonald's hamburgers—come out of that State; a half a billion dollars' worth of gold and silver and all of the things that come from the extractable minerals, and most of it is found on public lands.

The PRESIDING OFFICER (Mr. ROBB). The time yielded to the Senator has expired.

Mr. BURNS. Mr. President, I ask unanimous consent for just 1 minute to sum up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Just to sum up, in Montana we have people coming up there now. They found us; we are pretty, and we are pristine. Now they are going to save us, giving nobody credit that came there before, and tried to hang onto it and made it productive.

Do you think it just happened that way last year and now we are wrecking it? No credit is given to our forefathers who came through, understood what those resources were, could develop them, and do it environmentally safe. We do not give our forefathers enough credit.

There are elitists that come up there, buy a little ranch and say, I do not want anybody else on board. I do not like those people very much because they are the people who say, I am on board, pull up the ladder. That might be all right for their world, but it is not all right for the children that have to come along. They said preserve it for our children. Whose children? Only those that can afford it? The children that are there have no opportunity. Let us think a little bit because the West is different, and it is worth a whim of the Government.

I thank the Chair for this extension and the manager, and I yield the floor.

WETLANDS AND GRAZING

Mr. SYMMS. Mr. President, I rise today with my colleagues to speak on two issues that are on the hearts and minds of every Western farmer and rancher: the wetlands issue and grazing fees. Under legislation soon to be be-

fore this body, these issues are steadfastly becoming instruments for land use control. And to my mind, what we are really debating is the future of private ownership.

WETLANDS

Under the expansive definition of wetlands provided in the Clean Water Act, we have come to think of areas of little or no ecological value as wetlands. By one estimate, 104 million acres, or 5 percent of all land in the lower 48 States, is now classified as wetland. The Soil Conservation Service estimates that as many as 70 million acres of farmland could be considered wetlands. In the State of Alaska alone, approximately 75 percent of the usable land that is neither a mountain nor a glacier is classified as wetland for no other reason than because for much of the year the ground is frozen and water is locked underneath the surface.

As a long-time member of Ducks Unlimited, I have been concerned about this wetland issue long before I ever became a Member of Congress. But we are talking about a lot of land, Mr. President, and all this designated wetland falls under the regulatory jurisdiction of the Federal Government. In my State of Idaho and throughout the more arid States of the West, people recognize and appreciate the value of a true wetland because water is among our most precious commodities. But there is a strong and justifiable public resistance to the wetland designation and the constraints it imposes in many areas where Sherlock Holmes himself couldn't find evidence of water that would solve the mystery of such designations.

While the wetland designation itself may mystify, the effect on the rights of private property owners is real, direct, and economically harmful, generally without compensation for the loss of property value.

The North Idaho community of St. Maries wanted to erect a monument on a small plot of land located between two railroad tracks. Because the ground was classified as a wetland, they were denied this right.

A lumber company could not stack logs on their leased land because the mill tailings pile was classified a wetland. A fertilizer company was prohibited from stopping their mining operation because a wetland which they had created might cease to exist. An elderly woman in Teton County, ID, discovered that her retirement—which was invested in land—was gone because her property had been classified a wetland.

Mr. President, fairness must be employed when dealing with the rights of landowners. The Government must not be able to take our land without economic compensation. And while trying to solve environmental problems, we must always seek to balance the envi-

ronmental benefit with the need to protect private property rights.

I am pleased to be a cosponsor of S. 1463, introduced by my good friend from Louisiana, Senator BREAU. This bill will establish a comprehensive program for conserving and managing wetlands while encouraging economic growth and protecting private property rights.

GRAZING FEES

The House Interior appropriations bill, H.R. 2686, raises grazing fees on Federal lands 400 percent over the next 5 years. This measure would throw out the sensible market-based approach established by the Public Rangelands Improvement Act of 1978.

Those who want to abandon this sensible approach and quadruple grazing fees say it will help improve the range and increase Federal income to the tune of \$100 million. Both of these assertions are fantasy.

Two recent rangeland studies reject the argument that grazing is incompatible with sound range management. The Bureau of Land Management's report entitled, "State of the Public Range," and a joint study prepared by the University of Idaho and the University of Arizona entitled, "Seven Myths About Livestock Grazing on Public Lands," conclude that Government-owned rangelands are currently in the best shape they have been in during this century.

Ranchers know the value of the land because their livelihoods depend on it. They know the importance of sound range management and, with few exceptions, they practice it. I know of no expert, no rational analyst, and no reasonable person who can maintain that quadrupling grazing fees, driving ranchers off the range and into bankruptcy, while devastating the economies of local communities throughout the West, will result in better range management.

The other argument, that raising grazing fees will increase Federal income, is nothing short of just plain silly economics. Ranchers will not be able to pay the quadrupled grazing fee because people will not be able to afford the price of beef steak after it increases five or six times before it gets to market.

SAVE THE WEST

I am ready to fight these assaults on the economies of Western States. Grazing fee increases and wetland designations in some of the Nation's most arid environs, insult hard-working westerners who love the land that provides them jobs and an unsurpassed quality of life. It is time we take a stand for common sense environmentalism and long-term economic growth.

Thank you, Mr. President, I yield the floor.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. Senator SIMPSON of Wyoming is recognized for up to 5 minutes.

GRAZING FEES AND WETLANDS

Mr. SIMPSON. Mr. President, I thank the Chair, I thank my friend from Utah, Senator GARN, and I thank my friend from Montana for a very powerful series of remarks that sometimes are simply not heard in this Chamber from those from certain other geographical areas of the United States—just like when those of us in the West, or in the mountain West, sometimes are unable to hear what our colleagues are saying in the Northeast.

That camaraderie we have among the 100 of us makes this a very special place. It gives us the opportunity to talk to each other and discuss things—and we do that—and then we are better able to understand the position or problems of a colleague from the Northeast or from the Southwest or from the Southeast and they can better understand ours. That is all we are seeking here as we deal with these two very important issues: Wetlands administration and, of course, grazing fees. Those may sound like small potatoes to some people, but not to those of us from the West.

To some like the Congressman from Oklahoma, MIKE SYNAR, the grazing fee issue has become an obsession. That is disappointing to me because we know each other well. We came here the same year. It has really been disappointing to watch this fine young Congressman frame the argument against grazing fees by calling them wasteful subsidies. That is not what the grazing fee program is. If it were a pure subsidy, a whole lot more of the same yoke goes to Oklahoma, than to Wyoming. If I was only measured by the people of my State based on the subsidy programs I have supported for Congressman SYNAR's State—the folks in Wyoming would probably "rip me up."

I do not know the specific amount of Federal subsidies which Congress has wallpapered the State of Oklahoma with, but it sure would far exceed anything that Wyoming ever receives. The entire grazing fee program cost, depending on who you are talking to, is about \$11 million to \$30 million a year. I hunch that the Federal money we've spent on wheat programs and the various agriculture programs in that one Congressman's district might be 10 times what is put into the entire State of Wyoming.

So I do not know why Congressman SYNAR has chosen this issue as an obsession, to the extent that he is sometimes downright mean about it—but he has. He is always a tough competitor. But to take such a tough stand leaves us with, I guess, involving ourselves in a great sorting process. We will have to sort out what Federal funds they get in that district of Oklahoma, and point

that out to the people of America, and ask them if that is fair. Who wants or likes to get into that kind of game?

But, apparently, we now have a curious thing going on in Wyoming by folks who own private lands bordering the public lands. Those folks say: We want to know where you are from, and if you are from the district of that Congressman from Oklahoma, or that Congressman from Georgia, you are not going to hunt or fish on this land.

How about that? They feel quite justified in such inquiries. That is the kind of thing that results from this type of activity.

The real problem stems from the fact that some Members in the House have been captured by the "no more moo in '92" group, or the "livestock free in '93" group. That is what has occurred with regard to this issue. That is what this is all about—getting rid of all grazing on the public lands. I wish the advocates for that position would just be honest, step up to the plate and hit out there somewhere. Let somebody catch it—probably us.

But this is not about a subsidy. It is about the complete removal of livestock from the public lands. When you do that, who do you leave the lands to? Not the livestock, they will all be gone. Wildlife; let me tell you, they will eat up more range than the cows.

Those are some of the things we are going through on this issue. It reminds me of a hearing we had when I first came here during the Carter administration. I asked a question of a very able person who was in charge of the Council on Environmental Quality. I said: "Do you think agriculture is part of man's ecosystem?" The person said, "No, I do not think so." When you have to deal with that kind of intellectual vacuity, that agriculture is not part of man's ecosystem, nor is mining, nor is livestock—that is elitism and absurdity beyond comprehension.

GRAZING FEES

A proposal included in the House Interior Appropriations bill would increase the grazing fee from \$1.97 per animal unit to \$8.70 by 1995. The CBO estimates that this provision will net only \$10 million for the Federal Government in fiscal year 1992. That is the total amount we're talking about, if every rancher in the 16 affected States stays in the business. They won't. Revenue estimates aren't valid when you can't determine at what level the fee becomes so high that it forces many ranchers out of business. Then such grazing fee hikes will simply be revenue losers.

The fiscal argument is an interesting one. Certainly in these times of great budget constraint we are all more conscious of revenue losers. I'm not convinced that the revenue derived from grazing fees is indeed lost revenue to the Government. The public lands in question, which are leased to ranchers

and wool growers for a fee less than the fee charged on private lands, are not owned by the Federal Government by some fluke. They are the leftovers. They aren't the top quality lands which were snapped up in the homesteading days. The lands are leased for less because they are worth less than prime grazing land. Although important and valuable to the rancher, they just are not of the same quality as most private grazing lands. Typically, the condition of the soil, access to water, and sometimes even access to the property itself is less than desirable. These factors reduce its real value. The Federal Government receives benefits which are often overlooked; specifically, providing revenues from the stewardship of public lands. It is a mutually beneficial relationship for the Government and the ranchers, and it has worked well in the West.

I have heard it said that grazing fees are a Western subsidy. Subsidy is an interesting concept in these Chambers. This is a program which benefits the Federal Government, and which assists ranchers and wool growers in 16 States less important or less deserving than expending the \$141.9 million for highway demonstration projects which were just included by the House in its fiscal year 1992 transportation appropriations bill? Arguments about fiscal conservatism by certain Members of the House of Representatives is a difficult concept to grasp. In fact, I believe this argument is pure hokum.

The grazing fee program generated \$10.4 million last year for the Federal Treasury. If it is a subsidy, it is a trifling sum compared to the \$3.4 billion spent last year by the Farmers Home Administration on rural development projects; or the \$7.13 billion by the Rural Electrification Administration; they really suck it up—how much in Oklahoma—we are finding out; we all know that there isn't enough time to provide a complete listing.

Protecting the Federal budget and reducing a Federal agriculture hand out is how the argument is crafted. It is clever, and it gets a lot of press. MIKE must like press. As a Senator from Wyoming, and one who has always been in the center of public land use battles, I can assure you that the real issue is not money—it's about cattle grazing on public lands. Increasing the fee is an attempt to stop that. It's called Cattle Free by '93 out West. "No more moos in 1992." That's what our ranchers and wool growers hear from certain special interest groups who are very vocal in their opposition to cattle competing with wildlife and other indigenous species.

We are not here today as Western Senators reacting to constituents who just "don't want to pay more money to the Federal Government." An increase in the grazing fee to the levels contained in the fiscal year 1991 House In-

terior appropriations bill threatens the very survival of the ranching community.

It isn't just a matter of having ranchers tighten their belts and pay more to the Feds. It's a matter of opposing an increase which most ranchers truly cannot afford to pay and their entire ranching operation, including that portion conducted on private lands, will be threatened. And then where do they go? Who do we think has the mortgages on these ranches? The U.S.A. in many cases.

If the issue is the condition of the public range land, then let's address that. The ranchers and the Bureau of Land Management can work on improved land management techniques. BLM is certainly more qualified than Congress in that area. Rotating allotments, temporarily limiting access to some delicate lands as the grass regenerates, working with the rancher during drought conditions are all options, and are currently utilized by the BLM and participating ranchers. The condition of the range is a critical issue, but it is entirely outside the context of the fee formula. This debate has painted ranchers to be abusers of the land that they live on. Those of us familiar with the West know clearly that nothing could be further from the truth.

If the issue is subsidization by the Federal Government, we can talk about that. But there is no way I will stand here and watch Cattle Free by '93 go forth. That would be absurd. I think all ranchers are willing to work on improving the condition of our lands, but that does not come about by jacking up the fee so high that it threatens the very existence of their livelihoods.

I pledge to work with the BLM and the appropriate authorizing committees to address the problems of improving public range land. But to debate this issue cloaked as a Federal money saver is singularly hypocritical.

WETLAND REGULATION

The regulation of wetlands is a critical issue facing this Nation. We have all had the opportunity to listen to experts share their scientific knowledge with us about wetland resources. We have heard from various interest groups about their experiences with the current wetlands regulatory program.

The American public is caught between conflicting messages, not only from the various agencies within the administration, but also between the Congress and the administration regarding the degree of need for wetland protection and how that protection should be accomplished.

As we discuss scientific data and bureaucratic procedures in the Halls of Congress, American citizens are being fined, private property rights are being curtailed, and important efforts to meet the growing demands of our population are being halted.

No one needs to convince me that protecting wetlands is important. Flood control, erosion control, and protection of duck and wildlife habitat are just some of the benefits of wetlands.

But I question the ability of the current regulatory structure, which is now in place, to ensure these benefits do indeed reflect the best balance between protecting these resources, all-the-while protecting equally important fundamental property rights. And I believe the current regulatory procedures within the framework of section 404 can be improved.

To that end, I believe that it is important for the administration to publish in the Federal Register in the very near future the revised draft delineation manual which EPA Administrator Reilly made available to the Committee on Environment and Public Works during hearings on July 10. By publishing this draft manual our constituents can have the opportunity to publicly comment and participate in the development of a wetlands regulation. The public has a right to comment and participate and we should encourage that process.

Beyond scientific and bureaucratic matters—I do believe that we must face, head on, the issue which is at the root of the wetlands controversy: Are we a society that requires the threat of monetary fines or civil and criminal penalties in order to protect our natural resources, or can we responsibly balance the needs of environmental protection with the demands of a growing population with a system of fair and appropriate incentives?

Past-chairman of the Council on Environmental Quality, Russell Train—a friend of mine—stated during hearings in 1973 on the Federal Land Use Planning Act,

We are a country of great diversity and we should not try to force the land use decisions of the entire Nation, covering land and oceans, into one mold created here.

These same words should be considered today as we discuss the section 404 regulatory program as it affects wetlands.

We are not covering any new ground today. The debate over wetland regulations has always been controversial and painful because it requires us to struggle with fundamental issues that are basic threads of the fabric of our democratic and capitalistic society. We must all ask ourselves some vitally important questions. Are we prepared, as leaders of this Nation, to condone a regulatory system which flirts dangerously with the taking away of important private property rights? What is the acceptable balance of authority between State and Federal governments? And at what point does the need to protect a natural resource override the need to protect basic private property rights?

It is very important that the Congress and administration work to-

gether toward continued commonsense wetland protection. Protection of the environment is not a partisan issue, nor is it an issue confined to one region of our country. But the core of the debate centers on how one believes property rights should be treated in this country. If we cannot agree on the fundamental role of the Federal Government for the protection of wetlands and private property rights, then our discussions on technical matters will be interesting—and possibly lively—but will not lead to any final resolution of the real matter which faces us.

Finally, I thought of a great story, as my colleagues have been discussing issues of water and wetlands. I will conclude with that story. After the Louisiana Purchase, President Grant sent General Sheridan to the West and said: "Go out there to the West and find out what is out there; who lives there; and what does it look like. Tell me about it."

And Sheridan wired back and said, "All this country needs is good people and water."

Then Grant wired back: "That's all hell needs."

And so it is, I hope that people will realize that we do exist out there and issues of water, and grazing fees are critical to us. Western ranching helps produce 20 percent of the red meat for the people of the rest of the United States—so these concerns are quite valid from a national perspective. If you can hear what we are saying, we will sure listen to your regional problems when they become so critically serious.

Mr. GARN. Mr. President, I yield 5 minutes to the distinguished Senator from Mississippi [Mr. LOTT].

WETLANDS

Mr. LOTT. Mr. President, I thank the Senator from Utah for yielding me this time. I congratulate the Senator from Wyoming for his fine statement and for helping this colloquy take place today. I think it is very important, and I would like to take this opportunity to put a southern spin on it, since most of the speakers have been from the West.

Mr. President, I think America is facing a genuine disaster. It involves mining restrictions, and involves grazing rights, and it involves restrictions on timber. It involves problems and limitations on farming. But I think it all culminates in this issue of wetlands and the regulations that are being considered and proposed in the control of the use or abuse of wetlands.

In my own State of Mississippi, it very directly affects farming in the Mississippi delta, one of the poorest areas in America. It affects the ability to have development, economic development. It affects housing, not just housing projects but individual houses of one person, on private property. It affects thousands of jobs across America.

In my own State we need jobs desperately. It is pretty difficult to get excited about a puddle of water or hydric soil when you are hungry and you need a job, and you are being told that you are not going to get a job. Economic development in Harrison County, Hancock County, or Jackson County is being blocked. This is all across America; it is not just Southern or Western. Most of the country, except the deserts in the Southwest, will be affected by these wetlands regulations.

Also, Mr. President, it involves a very fundamental right, a constitutional right in America. Article V of the Constitution says: "nor shall private property be taken for public use without just compensation."

As a matter of fact, those people that are most opposed to the Breaux bill, which I am going to be endorsing and speaking on this morning, say, well, if you require that these people be compensated for taking or preventing them from using their land, it will kill the whole idea of wetlands. What about the people that own the land? What about the fact that they own this land? Perhaps, in many instances, it has been in the family for years. They would like to have ability to develop it or put a house on it. Now, under these regulations, they are being told, oh, no, you are close to our water table, and you cannot develop it; sorry about that, you lost your private property use, as you would like to see fit. A fundamental constitutional right is involved here.

What I am looking for, though, is reasonableness, a balance. I am sensitive to wetlands. I live on the Gulf of Mexico; I am surrounded by wetlands, and I love them. I participate in the appreciation and use of them. In fact, just last Sunday I was in the wetlands area, went out to an offshore island in a national seashore that I worked for and helped create. What we need is balance, as opposed to extremism.

That is what we really have at stake here, some fundamental things, whether or not we are going to have an ability to create jobs in large sections of the country, whether or not we are going to abuse private property rights, also whether we are going to yield to extremism in designating land as wetlands which are not now nor have ever been really wetlands.

Mr. President, I rise today to offer support for legislation introduced by Senator BREAUX which would replace current section 404 of the Federal Water Pollution Control Act.

The 404 Program has been controversial since its inception in 1972. The program is essentially administered by two Federal agencies, the Army Corps of Engineers and the Environmental Protection Agency. The program has been criticized as:

Failing to cover certain activities that are destructive to wetlands;

For covering lands, particularly privately owned lands, that are only marginally wetlands;

For being unduly restrictive and inflexible;

For creating a needless bureaucratic morass for private citizens and local governments;

For trampling on private property rights; and

For failing to provide incentives and flexibility to encourage private landowners and wetlands users to act responsibly and invest in wetlands restoration, enhancement, and preservation.

Normally, the thought of wetlands conjures up visions of a Mississippi bayou, or a Florida marsh, replete with herons and ducks veering across vast expanses of reeds—unspoiled, serene, and wet. But this thought is not the view of Federal regulators. Their sweeping definition of wetlands includes huge chunks of the Southeastern United States, significant acreages in the Great Lake States, and New England, large tracts of land in the Middle-Atlantic States, and surprisingly large areas in just about every region outside the deserts of the Southwest.

If it is flat and within 18 inches of a watertable, it is automatically considered a national treasure. Federal agencies that made these determinations did not take into account the tremendous negative economic impact and personal hardship these dramatically changed definitions would have on our citizenry and their freedom.

Federal guidelines strike heavily on the Mississippi coast counties, increasing the amount of wetlands in Harrison and Hancock Counties to an estimated 38 percent and to between 36 and 42 percent in Jackson County. These determinations, which property owners might call "moistlands" rather than wetlands, mean a sharp decline in the value of the land and present a formidable barrier to any meaningful development.

Sometimes we have a funny weed growing up and they say, "See that is proof that this is a wetland." If that is true my backyard is a wetland. It literally is a wetland because I live right on the Gulf of Mexico and I have some funny looking weeds that grow up there.

I seriously doubt that the Clean Water Act of 1972 was ever intended to punish owners of inland property of certain soil mixtures by denying them, 17 years later, the right to develop that property.

The present permitting process for wetlands use is becoming more adversarial, protracted, and expensive for all parties involved. Federal regulators and the courts unreasonably have stretched the wetlands permit program to protect wetlands with marginal ecological value, dry ground, and pools

and puddles that have been unintentionally created.

Some developers have faced waits of 2 to 3 years to obtain a wetlands permit to build on their land. Even in cases where private citizens are ultimately able to prevail against the batteries of Government attorneys arrayed against them, legal costs are ruinous.

Citizens confronted with crisis situations where flooding is causing major, irreparable damage to their property are being treated as common criminals for taking rational steps to protect themselves.

In other situations, enforcement is increasingly applied retroactively with agencies refusing to recognize that many past practices were not only legal but, in many instances, actively promoted and subsidized by the Government itself.

The Wetlands Conservation and Management Act of 1991 would attempt to correct the shortcomings of the current 404 Program. This legislation broadens the 404 Program to cover additional specific activities that are destructive to wetlands; narrows the jurisdictional scope of the program to regulate wetlands; and creates three categories of wetlands.

The highest category of wetlands would be more strictly regulated than are wetlands under today's program, the middle category would be treated similarly to today's program, and the lowest category would be essentially unregulated.

This legislation also provides that the classification of land as a highest category wetland is a taking for which just compensation of fair market value must be made; provides a balancing test for determining if a 404 permit should be issued for covered activities in the middle category of wetlands; encourages the establishment of State programs that attempt to address wetlands conservation on an ecosystem basis; and unifies the program in the Army Corps of Engineers.

We must provide a structured program for the identification and delineation of wetlands based upon their functions and values for regulatory purposes. Additionally we must balance the need for effective and complete protection of the Nation's important wetlands with the needs for essential community growth and the constitutional rights of landowners.

I urge my colleagues in the Senate to look at this Wetlands Conservation and Management Act of 1991 introduced by Senator BREAUX, and others. It is a reasonable approach. It is a solution to a major problem that these wetlands regulations are creating in America.

Mr. President, I ask my colleagues to support this important legislation and to join Senator BREAUX as a cosponsor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. GARN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for up to 5 minutes.

Mr. GARN. Mr. President, I rise today in strong support of legislation offered by Senator JOHN BREAUX and 23 other Senators which, if enacted, will right one of the greatest wrongs ever perpetrated on the taxpaying citizens of this country.

For over a decade, the U.S. Army Corps of Engineers in concert with the Environmental Protection Agency [EPA] have systematically taken the rights of private property owners and discarded them. To make matters worse these two agencies have done this under the guise of protecting our Nation's wetland habitat. The tool for this chicanery is section 404 of the Clean Water Act.

Mr. President, when the Congress first passed the Clean Water Act in the early 1970's, it never intended the definition of wetlands and navigable waterways to be so broadly interpreted as to include water in your private bathtub. In saying this, I am only being partly facetious. The regulatory authority which the Corps of Engineers has adopted for itself is unbelievable.

I give you an example of a man in Davis County who owned property for more than 40 years. When Interstate 15 was built it produced three lanes of concrete in each direction.

The runoff from the man-made freeway flooded about a third of an acre of his property, and the Corps of Engineers declared it wetlands and he cannot use his lands. It is runoff from a freeway. We had an irrigation ditch built by pioneers in about 1860 in Wasatch County. It was repaired, but it leaked and produced a quarter acre of cattails. And so they cannot use that land.

We who are speaking on this today are not exaggerating. Congress intended major waterways and the swamps of the country, from Okefenokee to all major areas was what was intended, not runoff from freeways and leaky irrigation ditches. It is absolutely incredible what the corps is doing.

In every corner of Utah, the corps has become a kind of police agency running around and harassing private landowners at every turn. Neighbors have been known to turn in other neighbors to the omniscient corps for doing routine ditch cleaning. Farmers on numerous occasions have placed their own lands, which they possess in fee simple title, in fallow for a year or two only to be prohibited from farming again because cattails or grasses sprung up, attracting birds.

Long-standing highways cannot be rerouted over stream banks even when public safety concerns demand action.

Golf courses and other legitimate developmental projects cannot be built without mitigation requirements imposed by the corps which in some cases are so severe as to render the development projects uneconomical.

Even during Utah's great floods in the early 1980's, attempts to clear ditches and clear river banks were often delayed by the corps resulting in greater property damage and higher costs.

Mr. President, the time has come to reign in this bureaucratic mob which has run amok. We in the Congress must change this law before private property owners lose control over their lands completely.

S. 1463 does several important things to correct these problems. Among other things it:

First, provides a more reasonable definition of wetlands—instead of 7 days, water at the surface for 21 days or more may be classified as wetlands.

Second, classifies wetlands into three categories based on values and functions—low, medium, and high. It follows the premise that not all wetlands are created equal. Some are higher quality than others.

Third, takes away the EPA's right to veto a development proposal.

Fourth, provides authority for States to assume regulatory control over the section 404 Program.

Fifth, provides advanced mapping of potential wetlands areas to benefit local planners.

Sixth, allows certain exemptions and nationwide permits.

Seventh, creates a mitigation bank to provide offsets for wetlands which may be developed.

Finally, let me say this. I recognize the value of protecting wetland habitat. A wetlands ability to provide nesting habitat for numerous species of wildlife and purify underground aquifers is undeniable. The changes being proposed in this legislation will not alter that one bit. What will happen if S. 1463 becomes law is to restore the balance between our need to protect wetlands and our need to honor private property rights.

Mr. President, in conclusion I ask unanimous consent that an editorial in the Wall Street Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 17, 1991]

ROGUE REGULATORS

It seems everyone wants to save the nation's wetlands—the environmentally correct term for swamps, bogs and marshes. In his first State of the Union message, George Bush pledged there would be "no net loss" of wetlands while he was President. The problem is that federal bureaucrats have decided to crack down on alleged wetland losses without bothering to wait for Congress to decide which of 50 definitions of wetlands should be written into law.

Using creating legal interpretations, the Environmental Protection Agency and the Army Corps of Engineers are devaluing many properties without compensation, saddling builders with lengthy delays and boosting housing costs. In the infamous John Pozsgai case, a 58-year-old grandfather is now serving a three-year prison term for improving a lot he bought that was filled with 7,000 old tires.

The EPA and the Corps have been so eager to implement the Bush "no net loss" wetlands policy (a phrase, incidentally, with no discernible meaning) that they have undertaken a slew of enforcement actions even though there is no actual wetlands law on the books. Section 404 of the 1972 Clean Water Act required permits for discharging material into "navigable waters." Imaginative bureaucrats developed a federal manual arbitrarily extending Section 404 so that any given site qualifies as a wetland if it meets only one or two elastic standards for the presence of wildlife, vegetation or soil wetness.

Bernard Goode, who headed the Corps regulatory office until 1989, told Reason Magazine that the parameters were drawn very broadly; moreover, the burden of proof that a site isn't a wetland is squarely on the property owner. No wonder environmentalists claim that the new definition includes most of the eastern half of the U.S. and 40% of drought-stricken California. Among the areas the EPA and the Corps now regulate as wetlands are: landlocked potholes where water collects for a week each year, small landscape depressions, man-made agricultural ditches and pine forests.

Armed with their creative definition of wetlands, federal bureaucrats are creating nightmares for property owners across the country.

A Pennsylvania family learned that they couldn't sell their 127-acre ancestral farm valued at \$190,000 after it was labeled a wetland. The government offered no compensation.

Brian Newman, a North Carolina builder, bought 28 acres of land in 1985. About five were wetlands. His project would have disturbed only 1.4 acres, but it took four years and thousands of dollars to secure a permit.

The developer of a housing project on Long Beach Island, N.J., was denied a permit for his 11-acre property, effectively rendering it worthless. He recently won a \$2.6 million judgment against the government.

The Corps of Engineers claims that it receives 14,000 requests for wetland permits a year and approves 97% of them. But the Corps also requires most applications to be revised and frequently takes years before it deems an application "complete." And if the Corps were to compensate landowners for their wetland-designated property, the price tag would be shocking. To save 600 acres of marginal wetlands in Staten Island, N.Y., would cost \$400 million in compensation and \$1 billion in new storm drains.

Alarmed by the rogue actions of the wetlands bureaucracy, 90 Members of Congress have signed on to a bill by Reps. Thomas Ridge (R., Pa.) and Jimmy Hayes (D., La.) to finally codify wetlands policy into law. It would exclude from regulations areas that didn't meet a reasonable definition of wetlands and focus protection efforts on the most valuable land.

Up to now, the EPA has been treating landowners as if they were villains out of Dick Tracy. Last December, agency enforcers circulated a memo inside the agency promoting a "Wetlands Enforcement Policy." It called

for a "first wave" of publicity" on wetlands enforcement to begin this coming week with a press conference highlighting a "cluster" of enforcement actions. The EPA now says the press conference has been delayed, and the manual defining wetlands is being "re-written."

Congress shouldn't count on a more rational EPA to run wetlands policy even if Members do pass some ambiguous standards into law. Congress has made a habit of leaving the details of legislation to the regulators. And they have become used to being a law unto themselves.

The only way to both preserve genuine wetlands and protect property rights may be to appoint enough judges who will properly interpret the takings clause of the Constitution. If the government wants to protect every stray pool of water, let it write a check to pay for the privilege. The status quo subjects too many people to abuse from regulators in zealous pursuit of their own definition of the public good.

Mr. MURKOWSKI. Mr. President, I see no more of my colleagues in the Chamber, so I think we have concluded the discussions for the time being on wetlands.

I thank the Senate minority whip, Senator SIMPSON from Wyoming, and his staff for arranging for the time this morning. I thank my colleagues who have spoken this morning. I think it should be recognized that we have a representative group not only from the far north of Alaska, but from States throughout the Nation including Wyoming, Montana, Utah, Idaho, and Mississippi. Mr. President, I think my colleagues have highlighted that there is a real need to revise current wetlands legislation. The citizens of the United States are asking for review of the current wetlands policy.

I think the legislation we are supporting this morning, Mr. President, represents a crying need for a review, a realistic review. The White House domestic policy council is working on this matter. And I assure you, Mr. President, the issue from the standpoint of the blanket application applied uniformly throughout the Nation is just not a workable solution. The issue will not go away, Mr. President.

Those of us who are affected by the uniformed scope simply must have some relief. Speaking for my State of Alaska, we are simply in a position where it is a no win situation because, for all practical purposes, we are entirely a wetlands State, yet we have less than 1 percent of our land in private ownership and less than one-tenth of 1 percent of our land is classified as developed wetland. So we are left in a quandary in the sense of a catch-22 of how can we develop any wetland within our State.

So I appeal to the Chair and I appeal to my colleagues to recognize that there is a significant need for a review, a practicable, workable approach that does not violate the sanctity and concern that we all share over responsible wetlands protection.

Mr. President, I see no further Senators wishing to speak on the subject, so I yield the floor at this time.

The PRESIDING OFFICER. The Chair would remind the Senator that the period for morning business under control of the Republican leader or his designee had been extended until 10:40.

Mr. MURKOWSKI. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BROWN. Mr. President, I rise this morning to discuss two issues of tremendous importance to the West: grazing and mining.

As you know, in the fiscal year 1992 Interior appropriations bill, the House adopted an amendment offered by Representative SYNAR calling for an increase in the grazing fees that ranchers pay for the use of Federal lands to \$8.70 per animal unit month [AUM] by fiscal year 1995 from the current \$1.97 AUM—a 400-percent increase.

The success of this amendment was based on the misconception that ranchers pay only a small fraction of the rental value of public lands. This is simply not the case. According to studies conducted by CSU and Utah State University, the cost of operating on public lands is not just the grazing fee, but the cost of acquiring a lease and the base land, labor for maintenance and additional stock loss as a result of dispersed operations. When coupled with the present grazing fee, studies show the costs of operating on public land range anywhere from \$12 AUM to \$17 AUM—not just the \$1.97 AUM alleged by proponents of the Synar amendment.

In addition, many improvements to the range are made by ranchers for which they do not receive credit. According to the Bureau of Land Management, the range's long-term condition is steadily improving.

If such a dramatic increase in the grazing fee is adopted, many ranchers will cease to operate on public land resulting in revenue losses for the Federal Government. Mr. President, I would like to request that the following article that appeared in the July 3 issue of the Pine River Times regarding this issue be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPRESENTATIVES BITE THE HAND THAT FEEDS

(By Becky and Larry D. Barnes)

Being a rancher these days is like being a frustrated parent; do more for less reward. Ranchers feed and clothe consumers, then turn on TV to get run down for misusing the land.

Although roughly 2% of American ranchers graze stock on public lands, their cattle number 3,414,079 or 20% of all cattle that go into feedlots. If public lands ranchers are put out of business, which Rep. Mike Synar's proposed grazing fee hike would do, one-fifth the feedlots will be empty.

What effect will this lack of beef have on the average consumer's grocery bill? Will leather tennis shoes be a luxury many can no longer afford?

Of the sheep in the US, 37% are grazed on public lands. They number 3,617,109. How many of us could afford wool or wool blend clothing if 37% of the supply is gone?

Although a public lands rancher now pays the government \$1.97 per Animal Unit Month, the cost of maintaining grazing permits already exceeds the proposed hike to \$8.70. If that proposal goes into effect, it will cost ranchers over \$22 per AUM.

The average cost to buy a cattle permit is \$600 per AUM. For that, we have a yearly payment to the FmHA or \$7.20 per AUM. Our grazing fee is now \$1.97 per AUM. Maintaining 29 miles of fence costs about \$200 yearly or 16¢ per AUM. Maintaining and developing ponds costs us a minimum of \$700 per year or 56¢ per AUM.

Since there is no live water on our permit, we had to buy a two-ton truck equipped with a 1000 gallon tank and pump and stock tanks. We also have to obtain permission and/or permits to get water to haul. Due to variation in spring runoff and summer rains, our cost of hauling water varies greatly from year to year. Our cost over the past five years is \$1200 per year or 96¢ per AUM. The water we haul benefits wildlife as well as our livestock.

Each year we have had our permit, we have improved public lands. The improvements increase the available forage for wildlife and livestock both. Last year's forage improvement project cost us \$1575 or \$1.26 per AUM.

Our permit is for 11 months. During the winter when snow covers the forage, we feed hay that costs at least \$5000 or \$4 per AUM. We are still required to pay \$1.97 to the government during the months we feed hay.

Even if our permit were paid for, our actual cost to run cattle on this permit is \$8.91 per AUM.

We lease irrigated privately owned pasture at \$8 per AUM. We furnish none of the maintenance costs for privately owned pasture. We maintain no fences, develop or maintain no water developments, make no forage improvements, have no supplemental feed costs on our privately-owned leased pasture. The actual cost to run cattle on private land is \$8 per AUM.

The actual cost to run cattle on government owned leased pasture is \$8.91 per AUM without including payments to FmHA for the permit.

Rep. Synar (D-OK) is aware of the actual costs of operating on government owned permits versus leasing privately owned land. He is also aware of the economic impact his proposal will have on small, family-owned businesses like ours and others across the entire West. His response is that the nation cannot be worried about a few families going out of business; we have to look at the whole picture.

The whole picture is that not all land is created equal. It takes 143 acres to support one cow year round on our BLM permit. Recent yearly rainfall has been between seven and 10 inches. It does not compare to grazing land in Nebraska or Kentucky.

If the hike goes through, many businesses financed by federal agencies will be foreclosed. The income will disappear but not the debt. It will look quite tempting to move to town and live on welfare rather than have all future earnings garnished. That is three strikes on the government-taxpayers.

The bottom line here is cash flow already stretched tighter than a barbed wire fence!

Mr. BROWN. Mr. President, H.R. 2686 also imposes a moratorium on the processing and issuance of patents for mining or mill site claims. The Senate Energy and Natural Resource Committee is holding hearings on this matter, and it is inappropriate to interfere with the consideration of this issue in the context of an appropriations bill. More importantly, because patents are often required in order to obtain financing for production facilities, a moratorium will interfere with the development of bona fide projects and deprive rural areas of jobs which are essential to local and state economies throughout the West.

Mr. BAUCUS. Mr. President, the House of Representatives recently voted to drastically increase the fee for grazing livestock on Federal lands. I believe this action is contrary to balanced multiple use. It would devastate the livestock industry throughout the West.

Right up front, I'll tell you that many Montana ranchers and Main Street businesses won't be around much longer if Congress approves a drastic increase in the Federal grazing fee.

The cattle business is an important part of Montana's past, present, and future. Grazing is and must remain an important multiple use.

Several years ago, author Larry McMurtry wrote a book called "Lonesome Dove." This overnight classic was the fictional account of the very first great cattle drive from Texas to what McMurtry describes as a "cattleman's paradise in a wilderness called Montana."

In 1989, Montanans chose to celebrate 100 years of statehood by reliving a part of the experience described in Lonesome Dove. Thousands of cattle, hundreds of men, women, and horses took part in the "Great Drive of '89."

I spent 5 days on the dusty trail from Roundup to Billings. It was the experience of a lifetime.

Yet, as important as the cattle industry is to our Montana economy and way of life, there are those who think the cattle have no place on the public range.

"We've heard the rhetoric of those who would eliminate grazing as a multiple use—'No Moo in '92'; and 'Cattle Free in '93.'"

It's all designed to scare the Devil out of the decent, and hard working folks who make a living in this Nation's livestock industry.

While I do not attribute such rhetoric to those Members of Congress who advocate an increase in grazing fees, I must point out that the people of Montana and other Western States feel just as threatened by these proposals.

The draconian increase proposed by the House would effectively mean an end to grazing as a multiple use on Federal lands. No rancher in his right

mind would pay such an increased fee and also put up with the red tape and regulation that frequently accompanies a permit to graze on the Federal domain.

I talk to lots of Montana ranchers. Not all of them believe the current system is such a great deal. In fact, in some instances, complying with Federal regulations has made some allotments more trouble than they are worth.

Under the current fee formula, grazing on public lands remains the life blood of many of our rural communities, particularly in eastern Montana.

A study conducted by Montana State University estimates grazing on Federal lands in Montana generates \$125.5 million in total economic activity each year.

In a State with just over 800,000 people that's an important part of our livelihood.

We are a public lands State—Uncle Sam holds the deed to 30 percent of the lands in Montana. Montanans don't want to see the land exploited. We don't want to see the land used up.

Balanced multiple use, including grazing, is essential to our way of life, our economy, and our environment.

Ask any reputable range scientist. He or she will tell you that managed grazing actually improves the condition of the range.

Stockwater improvements benefit wildlife.

Where bison once roamed, cattle now replenish the range and prevent the prairie from going to seed.

I'm not saying there have not been abuses. But the answer to these abuses is allowing professional land managers to do their jobs. The answer is not to drive the rancher off the public range.

Therefore, I hope the Senate will remain steadfast in opposition to an increase in the existing grazing fee. The current formula reflects the increase in cattle prices and is a fair way to adjust the fees.

Our decision will affect more than just cattle. Our decision will touch thousands of people in Montana and throughout the West.

NOMINATION OF JUDGE CLARENCE THOMAS TO THE U.S. SUPREME COURT

Mr. THURMOND. Mr. President, on September 10, the Senate Judiciary Committee will begin hearings on the nomination of Judge Clarence Thomas for a position as an Associate Justice of the Supreme Court. I was pleased to work with Senator BIDEN to expeditiously schedule these hearings and am confident that they will be concluded in time for committee and full Senate action so that Judge Thomas can begin serving on the Court when it reconvenes in October.

Since the nomination of Judge Thomas, there has been much discussion regarding his tenure as Chairman of the Equal Employment Opportunity Commission. Just 17 months ago, Judge Thomas was before the Judiciary Committee upon his nomination to the Court of Appeals. At that time, a thorough evaluation of his role as Chairman of the EEOC was undertaken. Many of the issues now being raised in the press and elsewhere were fully reviewed and discussed in detail at that time. It was brought to the attention of the Judiciary Committee that Judge Thomas was responsible for implementing policies designed to reform and improve the EEOC, invigorating its mission to assure the fair treatment of all persons in the workplace, and insuring the vigorous enforcement of our equal employment laws.

As well, Mr. Evan Kemp, successor to Judge Thomas as chairman of the EEOC, has commented publicly about the tenure of Judge Thomas. Mr. Kemp acknowledges that much of the credit for turning the EEOC around is due to the efforts of Judge Thomas. The EEOC that Judge Thomas inherited was historically underfunded, reportedly had management problems, and dispirited employees. Judge Thomas brought a professionalism and dedication to that agency making it a successful, effective one.

Mr. President, many of the discussions about the tenure of Judge Thomas at the EEOC involve the apparent lapse of claims under the Age Discrimination in Employment Act. Numerous estimates as to the number of lapsed cases have been mentioned, some of them clearly erroneous and inflated.

During his prior testimony before the Judiciary Committee, Judge Thomas stated that upon discovery of the concerns about lapsed cases, he immediately took steps to rectify the situation. He was instrumental in supporting passage of legislation to extend the time for affected persons to file civil lawsuits. Of those persons covered by the legislation, only a small number chose to litigate their claim.

Additionally during the tenure of Judge Thomas, he adopted a policy, unlike any which had existed prior to his appointment, to fully investigate every Federal age discrimination claim. While at the EEOC he assured that persons filing Federal claims under the Age Discrimination in Employment Act, either with the EEOC or State run fair employment agencies, were notified of the statute of limitations and of their independent right to sue in Federal Court. Judge Thomas modernized the national data systems to better track these cases and ensure that they were properly handled. He undertook strong efforts to see that those filing claims had their rights protected.

In closing, Mr. President, Judge Thomas performed admirably as Chair-

man of the EEOC. After an exhaustive examination of his tenure at the EEOC, specifically an examination of the issue of the lapsed cases, the Judiciary Committee voted 13 to 1 to favorably report his nomination for the Court of Appeals to the full Senate, and the Senate quickly confirmed him.

Mr. President, I look forward to the committee's consideration of Judge Thomas and swift action by the full Senate on this nomination.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that Susan Barlett Foote and Robert Wood Johnson fellow on my staff, be given privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE LIABILITY REFORM

Mr. DURENBERGER. Mr. President, one of the most talked about areas of health reform is medical liability. And the tendency is to view it in isolation, like a surgeon working on a specific organ of a patient. This morning, I want to speak about the impact of medical liability on the broader health-care system, and how to reform it in a way that makes the whole patient healthier. With others, I intend to introduce legislation to accomplish the objectives set out in this statement.

Health care liability does significantly affect all key elements—the costs of health care, access to health care, and the quality of health care. Along with several of my colleagues, I have been struggling to understand this problem. Today, I want to share where I have come to in this debate.

As you know, I have long been concerned about how to provide universal access to health care. Universal access is, of course, our primary goal. One of the major barriers to access is the escalating costs of providing medical treatment.

And, as we struggle to contain rising costs, we also want to make sure that we don't sacrifice the quality of care. We must always remember to ask: Universal access to what? The "what" is the elusive but pivotal notion of quality care.

What do we mean by quality? In its broadest sense, quality means the achievement of the best possible or most appropriate outcome, measured by both science and by patient satisfaction.

How does health care liability relate to our desire for universal access to cost-effective, high quality care?

I submit, Mr. President, that our system of medical liability is the worst of all possible worlds. Medical liability raises costs, impedes access, reduces quality of care, and systematically interferes with the most forward-looking efforts to improve the quality of care.

Mr. President, let us begin with its impact on the costs of health care. The direct costs of liability premiums for physicians alone were close to \$6 billion in 1988. Although we have weathered the escalating premiums in the decade from 1976 to 1986, when there was a true insurance crisis, the out-of-pocket costs to providers of services and producers of medical technology remain high.

There is another hidden price tag. The costs of defensive medicine—all those unnecessary tests and procedures for protection in court not for patient benefit—are harder to measure. The AMA has estimated defensive medicine at \$19 billion.

These costs also negatively affect access to care. Over 150 communities in 26 States have reported that many doctors are leaving practice, particularly in the field of obstetrics and gynecology, because they cannot afford to pay their malpractice premiums. This is especially a problem in rural areas in our Nation.

Mr. President, we could tolerate an upward pressure on costs, and even some of the barriers to access caused by doctors leaving practice, if the result was improved quality.

Ironically, the present liability system actually promises higher quality health care. Apologists claim that the threat of lawsuits deter substandard medical practices. On the margin, some individuals may indeed practice more cautiously out of fear of litigation. But, after a careful look at this system, it is clear to me that the courts won't improve the quality of health care. I say simply, we cannot get there from here.

This is not the fault of doctors. This is not the fault of lawyers. It is not the fault of insurance companies. In the case of health-care services, the liability system will always fail us. It simply cannot deliver what it promises.

Why?

Unfortunately, Mr. President, the medical liability system not only lowers the quality of care by almost any measure, but it actually interferes with efforts to improve care.

How does the system lower quality? Defensive medicine, by definition, reduces the quality of care. Any test or treatment which is not medically indicated, performed purely to protect the paper trail in the patient's record, does not improve outcomes and may harm the patient in the process. This is not quality care.

But, there is another serious limitation in tort law. The system itself obstructs quality improvement. What do I mean by quality improvement? Mr. President, I would like to have printed in the RECORD a concise article on health care quality by Dr. Donald Berwick that appeared in the New England Journal of Medicine. This piece applies W. Edwards Deming's concept of con-

tinuous quality improvement or CQI to the health-care services setting.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURENBERGER. Mr. President, continuous quality improvement occurs when "every process produces information on the basis of which the process can be improved." The Japanese call it "Kaizen"—the continuous search for opportunities for all processes to get better.

How does the liability system interfere with continuous quality improvement?

First, the tort system was designed to resolve disputes between individuals—one-on-one—plaintiff versus defendant. It might make sense if aggrieved patients sue individual physicians who practice alone in an office.

However, health care is now practiced in a tremendously complex system, replete with countless interrelated services. Health care begins at the first contact with a receptionist, and includes the services of the lab, the technicians, the ancillary and support personnel, the hospital, the medical records office, the out-patient clinic, technological equipment, pharmaceuticals, and on and on.

We desperately need ways to compensate people who are not well-served by the total process. It is counterproductive to hunt for the deepest pocket or the most proximate individual.

Second, the liability process is confrontational, adversarial, and punitive. Even the term malpractice implies ill will and is wholly negative. The liability system is the epitome of a theory of bad apples, which implies that people must be forced to care about the quality of their word and should be punished for their mistakes. This notion is contrary to Deming's concept of quality improvement which presumes that people want to improve performance and will respond to positive incentives to do so. There are no positive incentives in tort law.

Quality improvement requires trust among all the actors in the system. Talk to anyone who has been a party to a lawsuit. Litigation erodes the trust and goodwill between patient and the provider that are core values necessary for high quality care. Even the threat of litigation engenders suspicion and distrust.

And, we know that quality improvement treats every defect as a treasure. Knowledge of defects offers the ability to improve. In the shifting sands of medical liability, every defect is a landmine. Information is a threat when lawsuits loom, and can be bottled up in the hands of insurance companies and lawyers. Quality improvement depends upon the very flow of information that litigation suppresses.

Finally, and most importantly, how can a system reward quality, or com-

pensate for the absence of quality, when we cannot measure it or define it? Quality is an elusive concept. Law is ill-suited to the task of defining quality. The legal standard of care that measures quality is set by lay jurors in a courtroom, and the standard varies from case to case, from jurisdiction to jurisdiction.

Our current efforts to develop science-based practice guidelines and outcomes measures reveal the complexity of true quality measures. One thing is clear, Mr. President. It is science not law that should guide the research efforts to define, measure, and improve the quality of care.

In summary, Mr. President, quality improvement, a fundamental goal of health reform, will not occur under a legal process that is punitive and adversarial. Instead, we need to determine ways to measure quality and find agreed-upon procedures for compensating injured individuals when mistakes occur. In short, we need to change our thinking about how the system ought to operate.

How would I propose to change this system?

First, we must curb the worst abuses of the present liability system. We must pass Federal tort reforms that will reduce the rise in insurance premiums for providers and control excessive awards.

In this regard, I commend the efforts of my colleague Senator HATCH who has taken a lead in this arena.

I believe that Federal tort reform must also cover all the relevant actors in the health-care system. All professionals, providers, and producers of health care should be part of tort reform. If we do not look at the health-care system comprehensively, we will perpetuate the singling out of a single deep pocket regardless of responsibility or fault.

We may even find that plaintiffs shift their focus from the physician to the producer of a product, not because of fault but because the pocket is deeper. We must make efforts for reform systematically if we want reform to succeed.

Federal tort is important, particularly in the short-run, but it is not the final answer. We must look for alternatives to the judicial system that can enhance and improve quality of care for the longer term. We must provide a bridge from the courtroom to Alternative Dispute Resolution [ADR].

Unfortunately, we have relatively little experience with alternative dispute resolution procedures and almost none in the area of health care. Moreover, we have no experience with reforms based on a goal of quality improvement as well as compensation.

It is imperative to encourage experimentation linked to data gathering about the consequences of different experimental ADR systems.

We must engage in reform by recognizing the best attributes of our Federal system. States are the appropriate forum to become, in Justice Brandeis' terms, "laboratories of experimentation." States that can develop alternatives will reflect the diversity and preferences of their citizens.

However, States cannot do it alone. The Federal role can offer incentives and expertise. Incentives encourage creativity and help overcome powerful forces that might oppose change within the State.

The Federal Government can also offer expertise, both in system design and in evaluation, that will lead to valuable knowledge about the impact of ADR models. The new Agency for Health Care Policy and Research [AHCPR] has a staff of experts in measuring quality and outcomes who understand the scientific underpinnings essential to quality improvement. The Agency's Office of Legal Medicine has expertise in medical liability. We must call upon our best thinkers in the public sector and in academia to assist in this essential task.

Along the same lines, Mr. President, we must rethink our systems of licensing and disciplining of professionals. We must encourage new models for risk management and quality assurance as alternatives to traditional licensing requirements. We need to encourage more affirmative approaches to quality practice at all levels.

Similarly, we should consider demonstration grants for private sector providers, such as HMO's, to develop ADR's for their membership.

In addition, we must learn from our public and private experiments in quality improvement. Armed with good data, Congress can decide whether and how to move the health-care system farther in the direction of effective alternatives to the present liability system.

I recognize, Mr. President, that modest Federal outlays might be necessary to get the States moving toward reform. It is false economy to do nothing at this time. I submit that we will get a good return on our investment. Well-conceived reform will lower costs, will improve access, and lead to fairer, faster, and more efficient compensation.

In our efforts toward the broader goal of universal access, we must always ask: Access to what? And the answer must be access to quality care. The way we do medical liability reform can make a great contribution to quality care for every American citizen.

EXHIBIT 1

SOUNDING BOARD: CONTINUOUS IMPROVEMENT AS AN IDEAL IN HEALTH CARE

Imagine two assembly lines, monitored by two foremen.

Foreman 1 walks the line, watching carefully. "I can see you all," he warns. "I have the means to measure your work, and I will do so. I will find those among you who are

unprepared or unwilling to do your jobs, and when I do there will be consequences. There are many workers available for their jobs, and you can be replaced."

Foreman 2 walks a different line, and he too watches. "I am here to help you if I can," he says. "We are in this together for the long haul. You and I have a common interest in a job well done. I know that most of you are trying very hard, but sometimes things can go wrong. My job is to notice opportunities for improvement—skills that could be shared, lessons from the past, or experiments to try together—and to give you the means to do your work even better than you do now. I want to help the average ones among you, not just the exceptional few at either end of the spectrum of competence."

Which line works better? Which is more likely to do the job well in the long run? Where would you rather work?

In modern American health care, there are two approaches to the problem of improving quality—two theories of quality that describe the climate in which care is delivered. One will serve us well; the other probably will not.

The theory used by Foreman 1 relies on inspection to improve quality. We may call it the Theory of Bad Apples because those who subscribe to it believe that quality is best achieved by discovering bad apples and removing them from the lot. The experts call this mode "quality by inspection," and in the thinking of activists for quality in health care it predominates under the guise of "buying right," recertification, or "deterrence" through litigation. Such an outlook implies or establishes thresholds for acceptability, just as the inspector at the end of an assembly line decides whether to accept or reject finished goods.

Those in health care who espouse the Theory of Bad Apples are looking hard for better tools of inspection. Such tools must have excellent measuring ability—high sensitivity and specificity, simultaneously—lest the malefactors escape or the innocent be made victims. They search for outliers—statistics far enough from the average that change alone is unlikely to provide a good excuse. Bad Apples theorists publish mortality data, invest heavily in systems of case-mix adjustment, and fund vigilant regulators. Some measure their success by counting heads on platters.

The Theory of Bad Apples gives rise readily to what can be called the my-apple-is-just-fine-thank-you response on the part of the workers supervised by Foreman 1. The foreman has defined the rules of a game called "Prove you are acceptable," and that is what the workers play. The game is not fun, of course; the workers are afraid, angry, and sullen, but they play nonetheless. When quality is pursued in the form of a search for deficient people, those being surveyed play defense. They commonly use three tactics: kill the messenger (the foreman is not their friend, and the inspector even less so); distort the data or change the measurements (whenever possible, take control of the mechanisms that may do you harm); and if all else fails, turn somebody else in (and divert the foreman's attention).

Any good foreman knows how clever a frightened work force can be. In fact, practically no system of measurement—at least none that measures people's performance—is robust enough to survive the fear of those who are measured. Most measurement tools eventually come under the control of those studied, and in their fear such people do not ask what measurement can tell them, but

rather how they can make it safe. The inspector says, "I will find you out if you are deficient." The subject replies, "I will therefore prove I am not deficient"—and seeks not understanding, but escape.

The signs of this game are everywhere in health care. With determination and enormous technical resourcefulness, the Health Care Financing Administration has published voluminous data for two consecutive years about the mortality profiles of Medicare recipients in almost every hospital in the United States—profiles that are adjusted according to complex multivariate models to show many important characteristics of the patient populations.¹ Such information, though by no means flawless, could be helpful to hospitals seeking to improve their effectiveness. Yet the hundreds of pages of data are dwarfed by the thousands of pages of responses from hospitals, trying to prove whatever hospitals need to prove to build their defenses. What else should we expect?

The same game is being played between aggressive Boards of Registration in Medicine and other regulators that require hospitals and physicians to produce streams of reports on the contents of their closets. In Massachusetts, for example, merely talking with a physician about his or her involvement in a mishap may commit a hospital administrator by law to report that physician to the Board of Registration in Medicine.

The sad game played out in this theory and the predictable response to it imply a particular view of the nature of hazard and deficiency in health care, as it does in any industry playing such a game. The view is that problems of quality are caused by poor intentions. The Bad Apple is to blame. The cause of trouble is people—their venality, incompetence, or insufficient caution. According to this outlook, one can use deterrence to improve quality, because intentions need to be changed; one can use reward or punishment to control people who do not care enough to do what they can or what they know is right. The Theory of Bad Apples implies that people must be made to care; the inevitable response is the attempt to prove that one cares enough.

What a waste! The Theory of Bad Apples let American industry down for decades. It took some visionary theorists, many of them statisticians, in companies with great foresight to learn that relying on inspection to improve quality is at best inefficient, and at worst a formula for failure.²⁻⁶ The Japanese learned first—from American theorists, ironically—that there were far better ways to improve quality, and the result is international economic history.⁷ Today, no American companies make videocassette recorders or compact-disc players or single-lens-reflex cameras; we have simply given up. Xerox engineers visiting Japan in 1979 found copiers being produced at half the cost of those manufactured at Xerox's facilities, with only 1/10 the number of defects.⁸

What Japan had discovered was primarily a new, more cogent, and more valid way to focus on quality. Call it the Theory of Continuous Improvements. Its postulates are simply, but they are strangely alien to some basic assumptions of American industry—assumptions fully evident in health care today. These postulates have been codified most forcefully by two American theorists. W. Edwards Deming⁹⁻⁹ and Joseph M. Juran⁴⁻¹⁰—heroes in Japan today, and among enlightened American companies. Juran and Deming, guided largely by a visionary group

of mentors at Western Electric Laboratories (later AT&T Bell Laboratories) in the 1930s, drew on a deepened understanding of the general sources of problems in quality. They discovered that problems, and therefore opportunities to improve quality, had usually been built directly into the complex production processes they studied, and that defects in quality could only rarely be attributed to a lack of will, skill, or benign intention among the people involved with the processes. Even when people were at the root of defects, they learned, the problem was generally not one of motivation or effort, but rather of poor job design, failure of leadership, or unclear purpose. Quality can be improved much more when people are assumed to be trying hard already, and are not accused of sloth. Fear of the kind engendered in a disciplinary approach poisons improvement . . . and inevitably leads to disaffection, distortion of information, and the loss of the chance to learn.

Real improvements in quality depends, according to the Theory of Continuous Improvement, on understanding and revising the production processes on the basis of data about the processes themselves. "Every process produces information on the basis of which the process can be improved," say these theorists. The focus is on continuous improvement throughout the organization through constant effort to reduce waste, rework, and complexity. When one is clear and constant in one's purpose, when fear does not control the atmosphere (and thus the data), when learning is guided by accurate information and sound rules of inference, when supplies of services remain in dialogue with those who depend on them, and when the hearts and talents of all workers are enlisted in the pursuit of better ways, the potential for improvement in quality is nearly boundless. Translated into cultural norms in production systems and made real through sound statistical techniques, these lessons are at the core of the Japanese industrial revolution.⁷ They have proved their worth.

In retrospect, their success is not all that surprising. Modern theories of quality improvement in industry are persuasive largely because they focus on the average producer, not the outlier, and on learning, not defense. Like Foreman 2, the modern quality-improvement expert cares far more about learning and cooperating with the typical worker than about censoring the truly deficient. The Theory of Continuous Improvement works because of the immense, irresistible quantitative power derived from shifting the entire curve of production upward even slightly, as compared with a focus on trimming the tails. The Japanese call it *kaizen*—the continuous search for opportunities for all processes to get better.¹¹ An epigram captures this spirit: "Every defect is a treasure." In the discovery of imperfection lies the chance for processes to improve.

How far from *kaizen* has health care come! Not that the idea of continuous improvement is alien to medicine: self-development, continuous learning, the pursuit of completeness are all familiar themes in medical instruction and history. Yet today we find ourselves almost devoid of such thinking when we enter the debate over quality. The disciplinarians seek out Bad Apples; the profession, and its institutions by and large, try to justify themselves as satisfactory. It is the rare "customer" and "supplier" of health care today who function as partners in continuous improvement; for the most part, they are playing a different game.

It would be naive to counsel the total abandonment of surveillance and discipline.

Even in Japan, there are police. Politically, at least, it is absolutely necessary for regulators to continue to ferret out the truly av-
aricious and the dangerously incompetent. But what about the rest of us? How can we best be helped to try a little *kaizen* in our medical backyards? What follows are a few small steps.

First, leaders must take the lead in quality improvement. Those who speak for the profession, for health-care institutions, and for large-scale purchasers must establish and hold to a shared vision of a health care system undergoing continuous improvement. The volleys of accusation and defense badly need to be replaced by efforts to clarify the goals that producers and payers share, beginning with this assumption: "Health care is very good today; together, we intend to make it even better."

Second, investments in quality improvement must be substantial. In other industries, quality improvement has yielded high dividends in cost reductions;¹² that may occur in health care as well. For the time being, however, improvement requires additional investments in managerial time, capital, and technical expertise. With the high discount rate in health care planning today, such investment calls for steadfast long-term vision. The most important investments of all are in education and study, to understand the complex production processes used in health care; we must understand them before we can improve them.

Third, respect for the health care worker must be reestablished. Physicians, hospital employees, and health care workers, like workers anywhere, must be assumed to be trying hard, acting in good faith, and not willfully failing to do what they know to be correct. When they are caught in complex systems and performing complex tasks, of course clinicians make mistakes; these are unintentional, and the people involved cannot be frightened into doing better. In fact, if they are afraid, they will probably do worse, since they will be wasting their time in self-defense instead of learning.

Fourth, dialogue between customers and suppliers of health care must be open and carefully maintained. As an incentive to improve quality, the threat of taking one's business elsewhere is pale compared with the reminder that one is committed to a long-term relationship. Quality improves as those served (the customers) and those serving (the suppliers) take the time to listen to each other and to work out their inevitable misunderstandings. Just as marriages do not improve under the threat of divorce, neither, in general, will health care.

Fifth, modern technical, theoretically grounded tools for improving processes must be put to use in health care settings. The pioneers of quality improvement—Shewhart,^{2,3} Dodge, Juran,^{4,10} Deming,^{9,9} Taguchi,¹³ and others¹⁴—have left a rich heritage of theory and technique by which to analyze and improve complex production processes, yet until recently these techniques have had little use in our health care systems. The barriers have been cultural in part; physicians, for example, seem to have difficulty seeing themselves as participants in processes, rather than as lone agents of success or failure. The techniques of process flow analysis, control charts, cause-and-effect diagrams, design experimentation, and quality-function deployment, to name a few, are neither arcane nor obvious^{14,15}; they require study, but they can be learned. Many will be as useful in health care as they have been in other industries. Processes that can

Footnotes at the end of article.

be improved by means of systematic techniques abound in medicine. Those within institutions are obvious, such as the ways in which hospitals dispense medications, transfer information, or equip and schedule operating rooms. But even individual doctors create and use "production processes." In this sense, the way a physician schedules patients constitutes a process, as does the way he or she prescribes medicines, gives a patient instructions, organizes office records, issues bills, or ensures that high-risk patients receive influenza vaccine.

Sixth, health care institutions must "organize for quality." When other types of companies have invested in quality improvement, they have discovered and refined managerial techniques requiring new structures, such as are not currently found in the American hospital or health maintenance organization. Quality engineers occupy a central place in such structures, as quality is brought to center stage in the managerial agenda, on a par with finance. Flexible project teams must be created, trained, and competently led to tackle complex processes that cross customary departmental boundaries. Throughout the organization, a renewed investment must be made in training, since all staff members must become partners in the central mission of quality improvement.

Furthermore, health care regulators must become more sensitive to the cost and ineffectiveness of relying on inspection to improve quality. In some regulatory functions, inspection and discipline must continue, but when such activities dominate, they have an unfavorable effect on the quality of care provided by the average worker. This is not to argue against measuring quality and developing tools to do so; without them, artisans could not improve their craft. The danger lies in a naive and a theoretical belief, rampant today in the orgy of measurement involved in health care regulation, that the assessment and publication of performance data will somehow induce otherwise indolent care givers to improve the level of their care and efficiency. In other industries, reliance on inspection as the agent of change has instead more commonly added cost and slowed progress toward improvement. So it will be in health care. Without doubt, regulators who willingly learn and respect modern principles of quality improvement can have a helpful role. They can do so as the partners of care givers in developing sound measurement tools that represent common values and are for use primarily by the producers themselves; by aggregating data centrally to help care givers learn from each other; by providing technical support and training in methods of quality improvement; and by encouraging and funding studies of the efficacy of technologies and procedures and thus expanding the scientific basis for specifying rational processes of care.

In addition, professionals must take part in specifying preferred methods of care, but must avoid minimalist "standards" of care. Linked closely to the reliance on inspection to improve quality is the search for standards of care, which usually implies minimal thresholds of structure, process, or outcome above which one is safe from being labeled a Bad Apple. Quality-control engineers know that such floors rapidly become ceilings, and that a company that seeks merely to meet standards cannot achieve excellence. Specifications of process (clear, scientifically grounded, continuously reviewed statements of how one intends to behave) are essential to quality improvement, on the other hand,

and are widely lacking in medical care. Health care producers who commit themselves to improvement will invest energy in developing specific statements of purpose and algorithms for the clinical processes by which they intend to achieve those purposes. For example, they will specify rules both for routine procedures (e.g., "What is our system for dispensing medications correctly?") and for the content and evaluation of clinical practices (e.g., "What is our best current guess about the proper sequence of tests and therapies for back pain, and how well are they working?"). Ideally, such specifications are guidelines that are appropriate locally and are subject to ongoing assessment and revision.

Finally, individual physicians must join in the effort for continuous improvement. It may seem at first that the Theory of Continuous Improvement, coming as it does from experience in large manufacturing companies, has little relevance to individual physicians, at least those not involved in managed care organizations. But the opposite is true. At the very least, quality improvement has little chance of success in health care organizations without the understanding, the participation, and in many cases the leadership of individual doctors. In hospitals, physicians both rely on and help shape almost every process pertaining to patients' experience, from support services (such as dietary and housekeeping functions) to clinical care services (such as laboratories and nursing). Few can improve without the help of the medical staff.

Furthermore, the theory of quality improvement applies almost as well to small systems (such as a doctor's office) as it does to large ones. Individual physicians caring for individual patients know that defects in the care they provide do not usually stem from inattention or uninformed decisions. Yet hazards and defects do occur. Often they originate in the small but complex sequences on which every doctor depends, even sole practitioners. A test result lost, a specialist who cannot be reached, a missing requisition, a misinterpreted order, duplicate paperwork, a vanished record, a long wait for the CT scan, an unreliable on-call system—these are all-too-familiar examples of waste, rework, complexity, and error in the doctor's daily life. Flawless care requires not just sound decisions but also sound supports for those decisions. For the average doctor, quality falls when systems fail. Without the insights and techniques of quality improvement embedded in their medical practice, physicians are like anyone else who depends on others to get a complicated job done. They can remain trapped by defects they do not create but will nonetheless be held accountable for. The solo doctor who embodies every process needed to insure highest-quality care is now nearly a myth. All physicians depend on systems, from the local ones in their private offices to the gargantuan ones of national health care.

Physicians who doubt that methods designed to improve quality can help them in daily practice may consider several questions. When quality falls in your own work, why does it fail? Do you ever waste time waiting, when you should not have to? Do you ever redo your work because something failed the first time? Do the procedures you use waste steps, duplicate efforts, or frustrate you through their unpredictability? Is information that you need ever lost? Does communication ever fail? If the answer to any of these is yes, then ask why. How can it be changed? What can be improved, and

how? Must you be a mere observer of problems, or can you lead toward their solution? Physicians and health care managers who study and apply the principles of continuous improvement daily will probably come to know better efficiency, greater effectiveness, lower cost, and the gratitude and loyalty of more satisfied patients. They will be able to make better decisions and carry them out more faithfully.

We are wasting our time with the Theory of Bad Apples and our defensive response to it in health care today, and we can best begin by freeing ourselves from the fear, accusation, defensiveness, and naiveté of an empty search for improvement through inspection and discipline. The Theory of Continuous Improvement proved better in Japan; it is proving itself again in American industries willing to embrace it, and it holds some badly needed answers for American health care.

DONALD M. BERWICK,
M.D., M.P.P.

FOOTNOTES

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TRIBUTE TO WENDELL CHERRY

Mr. FORD. Mr. President, as many in the Chamber may be aware, last week the Commonwealth lost one of its leaders, Wendell Cherry, cofounder and, for the past 30 years, president of Humana, Inc.

A native of the Horse Cave area and a graduate of the University of Kentucky School of Law, Wendell Cherry and David Jones, Humana, Inc.'s other cofounder, began their business careers as investors in a small nursing home chain in the early 1960's. That partnership led to the formation of Humana, Inc., a corporation that has grown to become one of the world's largest providers of integrated health care services with revenues of \$6 billion. The award-winning Humana headquarters

in Louisville stands as a testament to their success.

While the creation of Humana may be viewed by some as Wendell Cherry's crowning glory, his interests went beyond the business community. He and his wife Dorothy were well known as strong supporters of the arts, and their collection of fine art is internationally recognized. Wendell was instrumental in establishing the Humana Festival of New American Plays, which features productions of the work of aspiring and arrived playwrights. In 1983 he coproduced the Pulitzer Prize-winning play, "Night, Mother," and more recently, the Tony Award-winning Broadway musical "The Secret Garden." With Barry Bingham, Sr., Wendell led the Kentucky Center for the Arts Endowment Fund, Inc., the fund drive that brought long-proposed plans for a major arts center for Louisville off the drawing boards and into reality.

Mr. President, while I could go on and on with a long list of Wendell Cherry's many accomplishments, nothing I could say would really tell you about Wendell Cherry the person. For that, I would like to have inserted in the RECORD the words of two of those who knew him best: playwright Marsha Norman, who spoke at his funeral last week, and David Jones, whose tribute that follows appeared in July 21 edition of the Courier-Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR WENDELL CHERRY, JULY 19, 1991
(By Marsha Norman)

About two months ago, Wendell called me up one afternoon to tell me what to say today. Oh, he didn't say, "Say this at my funeral." He just said he was sitting around reading Wordsworth's "Intimations from Immortality." But I knew what that meant, so I took notes.

And then he began to read to me, these words that I am sure he wanted me to read to you.

There was a time when meadow, grove and stream

The Earth, and every common sight to me did have

The glory and the freshness of a dream.

It is not now as it hath been of yore

Turn whereso'er I may by night or day

The things which I have seen, I now can see no more.

And then Wendell stopped reading, and told me about a field of grass in Horse Cave, a field he remembered from his childhood, Joe Burke's back yard, a field so deep and lush that Wendell had been trying to grow it again in his own back yard ever since. He said he could close his eyes and smell it, that rich sweet green smelled by a Kentucky boy and his friend so long ago, as they sprawled so casually, so lazily and dozed and dreamed through long summer afternoons.

Did they dream there, Wendell and Joe, of the men they would be? Did Wendell know then that he was a hero in the making? Great people do feel the promise of greatness when they are very young. They sense the presence of a great gift, with their name on it, a gift just waiting to be unwrapped in time.

But whatever Wendell knew as a boy, about his life, I am certain that he knew that in death, he could count on one last sweet sleep in a great field of green grass. He knew exactly how it would smell, he knew it would feel familiar somehow. He knew he would not be cut off from the Earth he had loved, but simply returned to it, as though from a long journey, from the journey of a lifetime.

And then Wendell turned back to the middle of the poem:

Our birth is but a sleep and a forgetting

The soul that rises with us, our life's star
Had elsewhere its setting, and cometh from afar

Not in entire forgetfulness and not in utter nakedness

But trailing clouds of glory do we come
From God, who is our home.

He stopped then, and asked me if I ever thought about that.

And I said, "Thought about what?"

And he said, "Thought about how we might have been some other people before this."

And then, before I could answer, he asked who I would like to have been.

And I said, "Georgia O'Keefe." Living to be a million years old, looking like a legend in every picture ever taken of her, and ending up in her own canyon in New Mexico with a handsome young man doing whatever she said.

And he laughed, and I asked him who he'd like to have been. And without a moment's hesitation, he said Hart Crane. Hart Crane, I thought? Why would Wendell want to be Hart Crane? Hart Crane wrote two brilliant mystical poems and then killed himself by jumping off a ship when he was 33.

But before I could ask him why he wanted to be Hart Crane, he was talking about the list of brilliant artists who had died young. He even said, "the good ones always die young." An I didn't know if Wendell was reassuring himself that by dying young, he was really in very good company, or if he was just missing them. Or maybe, Wendell was just wondering how, if he was so brilliant, had he managed to stay alive for so long.

And then, he skipped through to near the end of the poem.

The thought of our past years in me doth breed

Perpetual benediction, not indeed

For that which is most worthy to be blest;

Delight and liberty, the simple creed of childhood

Not for these I raise

The song of thanks and praise

But for those obstinate questionings of sense and outward things

Fallings from us, and vanishings.

But foremost, for truths that wake to perish never

Which neither listlessness, nor mad endeavor
Nor man, nor boy

Can utterly abolish or destroy.

He stopped again, and said he loved what people could do. And I said it was people like him expecting it of them that got them to do it. But he said, "No, no, I haven't done anything." And surely he didn't believe this. But I heard him say it enough, that maybe it was true, after all. Maybe Wendell was so blinded by the talents of others, that perhaps he failed to recognize his own greatness, which was, in Wordsworth's words, "the master light of all seeing."

Wendell saw immediately and instinctively what was good, what was worth doing, what was worth nurturing, what was worth pre-

serving. And he gathered up as much of it as he could find, and made it as safe as he possibly could. And I never had the feeling that any of that gathering and nurturing and preserving was for him. But rather for us. Maybe it didn't feel to him like he was doing anything. Maybe he didn't feel brilliant. Maybe he just felt there were some things he had to do, knowing all the time, he didn't have much time to do them in.

But he did know he was lucky. That was one of the first things anyone ever told me about Wendell. That he was lucky. That of all the amateur golfers in America, his name was drawn out of a hat on national television. That Wendell and Wendell alone was chosen to play with Bing Crosby in the Pan Am Golf Tournament in California.

So do we say now that his luck ran out, because he got this awful disease and died? No. We say that he lived thirty years longer than he expected to, being in the club of brilliant ones, and that he did not jump ship in despair one day, but won, even in the end, six more months than anyone could have expected him to have.

And then he read from the end of the poem:

Then sing, ye birds, sing a joyous song!

And let the young lambs bound

As to the tabor's sound!

We in thought will join your throng,

Ye that pipe and ye that play,

Ye that through your hearts today

Feel the gladness of the may!

Though the radiance which was once so bright

Be now forever taken from my sight,

Though nothing can bring back the hour

Of splendor in the grass, of glory in the flower;

We will grieve not, rather find

Strength in what remains behind;

In the primal sympathy which having been must ever be;

In the soothing thoughts that spring out of human suffering;

In the faith that looks through death

In years that bring the philosophic mind.

And then, being in a philosophic mind himself, he said one more thing. "Marsha," he said, "don't waste any time. Not one minute. Do you hear me? Don't let anything get in your way. Don't waste one minute."

And then, as if taking his own advice, he hung up. And soon after that, he was gone.

A man more heroic than his heroes. As wise a judge of life and art as ever lived. As generous a soul as I ever knew. As proud to be a Kentuckian as if he had marched through Cumberland Gap and discovered it himself.

I think now of what he took with him: His lists of what he still wanted to do and see and say; his powers and insights, his vast knowledge of books and paintings and business and madness and beauty; his passion, his fire, his drive to do it right, whatever it was. And, saddest of all, he has taken with him his half of every conversation you still wanted to have with him.

But he has left so much more than he has taken. What he hasn't taken is all around us, surrounds us today, filling every head in this room, and every floor of hundreds of hospitals, buildings, galleries and homes all over the country.

We still have every single thing Wendell gave us; our memories of what he said to us, how he laughed with us, how he brought us things to look at and then stood with us while we learned to see them. He left us his faith in us, his words of encouragement, and his expectations.

He still holds us responsible for the fullest exercise of our talents. He still expects us to

exert the strongest force of our personalities, the most creative use of our minds.

Wendell Cherry directed us to make a difference. And though he is dead, that directive is still in effect.

I always liked how Wendell said good-bye. I think he liked saying good-bye. His good-byes were like the spinning out of a silken thread meant to keep you safe and happy and someplace where he could find you, till he saw you again. I can hear him now telling us good-bye. And holding us in his heart as we hold him in ours. Our champion, our challenger, our son, father, brother, husband, partner, boss and friend. Our ally is an alien world. Our bravest knight from days gone by.

Godspeed, Wendell. The world is not the same since you arrived. And we are not the same since you left. But you are not alone where you are, and we are not alone here. And that, as you would surely agree, will be the salvation of all of us.

I know that we'll * * * be seeing you again Wendell. So now, sad to lose you, but grateful to have had you at all, we say * * * Good-bye.

A TRIBUTE: "A JOYOUS MAN!"

(By David A. Jones)

(The writer is the chairman and chief executive officer of Humana Inc., which he and Wendell Cherry co-founded.)

Wendell Cherry was a man of many parts, but so intensely private that few were privy to them all. He deeply loved, and was immensely proud of, his parents—who instilled in him the work ethic and sense of purpose which informed all his later actions—and his wife and children, whose accomplishments brought him great satisfaction.

He always had time for friends, relatives and acquaintances from his early life, and when one arrived, those of us nearby would soon be regaled by joyous laughter as old memories were revisited, and probably embellished.

For, above all, Wendell was a joyous man! In 31 years of almost daily contact with me, including some seriously difficult times, Wendell never failed to find some irony or humor, which he shared, to lighten the load of those involved. Those visits with Wendell were always a highlight of my day.

Wendell was an irascible man, with a marvelous temper which flared brightly when confronted by incompetence, cant or deceit. Yet he was blessedly spared the tendency toward self-delusion which infects most of us, so he was able and willing realistically to assess his own foibles, and to laugh at himself when warranted.

In addition to Wendell's artistic and athletic interests, he was an avid reader of history, biography and literature. He closely followed both world and local events, and always had a well-informed opinion, which he was prepared, and loved, to debate. Wendell was always interesting, often fascinating, never boring.

His boldness, intellect, impeccable taste, quest for excellence and remarkably high level of expectation in all undertakings are widely chronicled, and are true.

His influence on Louisville's arts and architecture is a living legacy for all to see and share. For those of us privileged to be his friends and family, there is more: the legacy of a man who lived and loved with total passion, and who will be remembered in like manner.

TRIBUTE TO LYN WHEATLEY

Mr. HEFLIN. Mr. President, today I rise to pay tribute Lyn Wheatley who has recently been named the new executive director of the Alabama Sheriffs' Boys and Girls Ranches. Mr. Wheatley is a 1976 graduate of Troy State University, and has worked previously with Merrill Lynch as a financial consultant, and most recently as the national federation director for Bass Anglers Sportsman's Society.

Mr. Wheatley left his position as federation director to come to the Sheriffs' Ranches out of loyalty to the ranch for the support it gave him 23 years ago. The same agency that gave Mr. Wheatley a home when he was a child will benefit from his talents and abilities as he leads it through the challenges of the years to come.

Mr. Wheatley has always been a success story for the Sheriffs' Ranch. He is the first resident of the ranch to receive a college degree. An article from the Alabama Journal shows that Mr. Wheatley has surprised even himself with his achievements. The story quotes him saying, " * * * Looking back on the situation I was in when I came here, I believe I would have led to some sort of trouble. * * * The ranch gave me what I need when I needed it."

Mr. Wheatley seems to be extremely enthusiastic about his new job with the ranch. I agree with Mr. Wheatley about the importance of the work ethic the ranchers learn on the ranch. Mr. Wheatley looks back on the work he did at the ranch—driving tractors and cooking—and realizes how these chores helped him grow up.

I wish Mr. Wheatley the best of luck in his new position. He will provide the ranchers with an ideal role model and will prove more than capable for the position. He can not only sympathize with the hardships of the children, but also show the good that can emerge from this 25-year-old program.

Mr. President, I ask unanimous consent that an article from the Alabama Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEEP SENSE OF LOYALTY: NEW EXECUTIVE DIRECTOR COMES BACK TO RUN RANCH

(By Carla Crowder)

At first glance, Lyn Wheatley the new executive director of the Alabama Sheriffs' Boys and Girls Ranches, seems like an ordinary businessman.

Mr. Wheatley's contagious grin advertises enthusiasm for his new job.

He is more than willing to discuss details of fund-raising projects, plans for future improvements and other aspects of his job as the head of a large agency.

The 37-year-old father of two likes to bring his wife, Renee and daughters, Amy and Lindsey, into the conversation as well.

What's extraordinary about Mr. Wheatley is that he is now the executive director of the same agency that provided him with a home 23 years ago.

During most of this teen-age years, Mr. Wheatley drove a tractor, cooked breakfast and did a lot of growing up at the Dallas County Sheriffs' Boys Ranch.

He came to the ranch from a poor home, where cardboard covered the walls. There was little in his life from which to build dreams and few people to serve as role models.

"Without the ranch, I'd be nothing, or certainly not in the situation I'm in now," Mr. Wheatley said.

"Nobody has a crystal ball, but looking back on the situation I was in when I came here, I believe it would have eventually led to some sort of trouble," he said. "I now have a deep sense of loyalty to the ranch. It gave me what I needed when I needed it."

As a 1976 graduate of Troy State University, Mr. Wheatley was the first ranch resident to attain a college degree.

He pursued a career in business and trained on Wall Street as a financial consultant with Merrill Lynch in the early 1980s.

Mr. Wheatley comes to the sheriffs' ranches executive director position from Bass Anglers Sportsman's Society in Montgomery where he was national federation director, responsible for 2,500 BASS clubs.

Reflecting on his new position, he said, "The ranch is as much a part of me as my heart or lungs. It's not a job, it's a labor of love."

Mr. Wheatley's background in business has prepared him for the executive director's chair, where he will be the primary fundraiser and administrator for the ranch program.

However, as a former ranch child, Mr. Wheatley has the kind of special training to lead an agency for troubled and neglected children that only someone with his background can have.

While visiting his former home, the Dallas County Ranch, Mr. Wheatley, talks with 6-year-old Adam, who had not been to a dentist before he came to the ranch.

Adam had several teeth filled and capped, and winces when he recalls his first trip to the dentist's chair.

Mr. Wheatley comforts Adam with a story about when he came to the ranch and had two teeth pulled and six teeth filled.

While Mr. Wheatley can sympathize with the hardships the ranch children go through, he also understands the good that can come out of the 25-year-old program. As executive director, he plans on making very few changes in the way the program is run.

"Children are different today than they were when I was here. They grow up faster, watch more TV, and are more exposed to the harshness of society," Mr. Wheatley said.

But the values and work ethics they learn at the ranch are timeless, he said.

At the ranch, children develop into the kind of father or mother they'll be later, he believes.

Mr. Wheatley remembers the chores and duties that were expected of him at his ranch home. "The children must do a lot more work than at a real house."

Each ranch house is home to 10 children and a married couple they call "Mom and Pop," Mr. Wheatley explained. With such a large family, the workload is enormous.

"What stays with me more than anything about the program is its wholesomeness. It reminds me of 'Little House on the Prairie,'" he said.

Living in the country and doing things like growing a garden, taking care of animals and working in hay fields are very healing experiences for the ranch children.

Eighty percent of the children at the ranches have been physically or mentally abused.

Mr. Wheatley said because he did all the chores when he was here, he expects today's ranchers to work as hard as he did.

"I'm pretty picky. If the grass isn't cut or the hedges aren't trimmed I might say something. . . I know it's not going to kill them or hurt them to work."

"We have to prepare children to take care of themselves in the real world. They don't have fortunes waiting on them when they get out," he said.

The ranch program tries to recreate a middle-class family home atmosphere. It strives to provide normal homes for children who come from abnormal backgrounds, Mr. Wheatley said.

The ranches were created in 1966 by a group of sheriffs who identified potential trouble boys and created the Sheriffs' Association to provide loving homes for these children.

In 1973, the association began a home for girls, also.

The ranches now are independent, non-profit organizations.

"We stand on our own two feet," Mr. Wheatley said.

There now are seven ranches in the program, five for boys and two for girls.

The oldest ranch in Dallas County, Mr. Wheatley's former home, has grown to house 40 boys. The 750-acre spread is reminiscent of an upscale summer camp.

The pond is surrounded by towering pines. Large brick houses, a chapel and even a swimming pool are intermingled with the natural surroundings. Around a bend in the road are barns, hayfields, orchards and a field where wild turkeys are sometimes spotted.

Rows of blueberry bushes are heavy with ripe fruit.

Mr. Wheatley was hesitant talking about the program despite his strong ties.

About 10 months ago, a search committee approached him and offered him the position, but he was in the middle of some projects at BASS and did not want to leave.

Mr. Wheatley said he always has talked about the ranches to business contacts, but he did not feel right about taking over the executive director's position, until about two months ago.

"A search committee came to me about once a month for 10 months and finally wore me down," he said.

Mr. Wheatley said people will want to contribute to the ranch if they understand more about the program.

As executive director, Mr. Wheatley will spend most of his time on the road raising funds for the ranches.

Because of the quality of people who run the ranches, he said he will not be involved in that many day-to-day ranch activities.

Marvin Cash, Mr. Wheatley's former "Pop," is one of these "quality people."

Mr. Cash is now director at the St. Clair County Ranch and director of Ranch Operations for the entire agency.

"The kid he raised is now his boss," Mr. Wheatley chuckles.

He said Mr. Cash and his wife, Jesse, have had a bigger impact on his life than his real parents. "Now they're like grandparents to my daughters."

"I don't know of any other ranchers who have returned to be executive directors," Mr. Wheatley said. However, he is proud that his old ranch roommate now works as an air-traffic controller in Hawaii. Another rancher

friend went on to become an anesthesiologist.

"I've never been ashamed of being a ranch child," he said.

TRIBUTE TO HENRY ASHLEY RAND

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Mr. Henry Ashley Rand who will retire on July 31, 1991, as the Colbert County tax collector. Mr. Rand has become an institution in Colbert County and has served continuously as tax collector for almost 22 years.

Few people could have foreseen that when my friend Hank Rand began his term as Colbert County tax collector on November 1, 1969, he would still be serving his county in that capacity over two decades later. He has served the citizens of Colbert County well and his expertise will be sorely missed.

Hank Rand is an outstanding individual and a fine public servant. He has served in both the Army and the Air Force and is a veteran of World War II and Korea. His dedication to Colbert County is unsurpassed and his innovations in tax collection are widespread. Since he designed and implemented the Colbert County data processing center in 1978, 14 counties from three States have bought the rights to use the system from Colbert County.

In addition to his able collection of taxes, Hank Rand has been a good steward of the taxpayer dollars under his care. He implemented a program which earned money for Colbert County by investing the taxes the county collected before they were sent to the State revenue department.

One of Hank Rand's most endearing traits is his willingness to share his knowledge and expertise of tax collection with others. He has answered the call for assistance from numerous officials from Alabama and other States. His expertise in the collection of ad valorem taxes is so widely recognized that he is often asked to instruct newly elected tax collectors on this subject. In addition, he has helped write numerous publications to help teach tax assessors and collectors.

Hank Rand is an outstanding Alabamian and a proud American. Colbert Countians have been fortunate to benefit from his talents and abilities over the past two decades and I know they are sorry to see him go. I congratulate Henry Ashley Rand on his many accomplishments in his 21 years as tax collector and wish him well in retirement.

MANDATORY DISCLOSURE OF HIV STATUS FOR HEALTH CARE WORKERS

Mr. DURENBERGER. Mr. President, last week, the Senate agreed to the amendment of our distinguished col-

league from North Carolina that mandates disclosure of HIV status for health-care workers. I opposed the amendment.

Mr. President, I would like to submit for the record some responses that I have had from my constituents.

I heard from one young woman, Anne Theisen, from Crystal, MN. She does volunteer work with HIV-positive children. She writes that she has seen the devastation of families who are struggling with the physical and societal handicaps of AIDS.

She calls upon us to educate our colleagues and constituents on the reality of HIV transmission. She is correct when she concludes that the Senate action last week "does nothing to promote community health; it merely removes focus and funding from much more important areas such as research and treatment."

Mr. President, I also had a call from a surgeon who practices in the District of Columbia. This young doctor was near tears when she called. She had just operated on a HIV-positive patient that morning. She said she routinely sees AIDS patients and struggles to give them quality care, even as she fears for her own safety.

Mr. President, this young doctor was close to despair. She says many of her colleagues wonder whether they should continue to practice medicine. They are losing faith. They feel abandoned by their elected representatives, some of whom appear to want to brand them as criminals, even as they engage in treatment of those with a fatal disease.

Mr. President, undoubtedly we will see continuing efforts to criminalize HIV-positive health-care workers. I urge my colleagues to study the facts and not succumb to further hysteria and fear.

Mr. President, I ask unanimous consent that the "Policy for HIV Infection Control," developed by the University of Minnesota Hospital be printed in the RECORD as a model of a reasonable response to the interests of patients and health-care workers. I also ask unanimous consent to print in the RECORD several articles by epidemiologists, including Dr. Michael Osterholm, a noted adviser of the CDC and a faculty member from the University of Minnesota, and Dr. Frank Rhame, also a Minnesota epidemiologist, as part of my effort to get the facts straight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRYSTAL, MN,
July 22, 1991.

Senator DAVE DURENBERGER,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DURENBERGER: I want to take this opportunity to thank you for your vote on the Helms amendment (#734, I believe) to the Treasury and Postal Service Appropriations Bill on July 18, 1991. I am faxing this letter to you because of the urgency of

this matter; however, I will be mailing you a copy as well.

The AIDS epidemic is a frightening part of our world today, and I am very sympathetic to anyone stricken with this terrible disease. I volunteer to work with children who are HIV positive and have seen the devastation of families who are struggling with the physical and societal handicaps of AIDS. I, myself, have several friends who are HIV positive and have lost some very special friends to this disease. HIV and AIDS has had a profound effect on my life, as it has everyone else's.

I know that you have a very supportive and consistent voting record on HIV and AIDS related legislation, and I want to thank you for this; however, I also realize how difficult it can be to stand up to an overwhelming majority, even when you know you are right. Your floor remarks about the victimization of the general public through the sensationalism of unusual incidents of HIV transmission were important for your colleagues to hear. Your knowledge of the facts of HIV transmission is apparent, and I hope that Minnesota, and the entire country, can continue to count on your leadership in this area.

As you know, the amendment offered by Senator Helms was based on hysteria, not on current scientific information or recommendations from physicians and organizations like the Centers for Disease Control. Testing of Health Care Workers will not lead to an informed public, but to a medical community full of people afraid of learning their HIV status, and this will prove to be dangerous to everyone.

Legislation of this type will bring a false sense of security to the general public. The important focus is enforcement of infection control procedures. Poor infection control procedures can spread a host of diseases between patients, regardless of whether or not the health care worker is infected. The fact that, in the ten year history of the AIDS epidemic, there has only been one health care worker documented to have given this disease to his patients is proof that universal precautions is effective in preventing HIV transmission.

We cannot base legislation on a hysterical reaction to one incident; over-reacting to this incident will do more harm than good. I feel strongly that this incident warrants further research and study into the risks of transmission from doctor to patient and from patient to doctor, but the CDC has done this research and has developed a set of sensible and cautious guidelines for all medical professionals. Members of Congress cannot be educated in all areas and on all issues, and they should not act on some issues without the advice of an educated advisory organization. This is one of the purposes of organizations like the CDC, and Congress should accept the recommendations it receives from them.

I follow House and Senate legislation on HIV and AIDS issues very closely and think that we can expect Helms to offer the same amendment to the Labor HHS Bill. I hope that I can continue to count on your opposition to these hysteria-based amendments, and I also hope that you will call on your colleagues to do the same. Please do your best to educate them about the reality of HIV transmission. AIDS legislation of the type frequently offered by Helms does nothing to promote community health; it merely removes focus and funding from much more important areas such as research and treatment.

Again, many thanks for your past and future leadership on HIV and AIDS legislation. I am glad to have you representing Minnesota when these issues arise.

Sincerely,

ANNE THEISEN.

POLICY AND PROCEDURES MANUAL, UNIVERSITY OF MINNESOTA HOSPITAL AND CLINIC
Subject: HIV Control.
Source: Infection Control Committee Medical Staff-Hospital Council.
Section: Infection Control. Vol: II.
Policy number: 33.19.
Effective: July 14, 1987.
Revision: 12/87, 9/90.
Reviewed: 10/89.

POLICY

All reasonable measures shall be taken to minimize the possibility of human immunodeficiency virus (HIV) transmission within UMHC.

PROCEDURE

1. Definitions used in this policy:
 - a. HIV Infected. Persons deemed HIV infectious as set forth in Section 4.B. Policy 33.21, Universal Blood and Body Substance Technique and Isolation.
 - b. UMHC Personnel. UMHC employees, residents and fellows, members of the Medical-Dental Staff, Specified Professional Personnel, Non-Hospital Ancillary Personnel, and students who have patient contact at UMHC.
 - c. Invasive Procedures. Procedures in which one's hand and any sharp instruments may simultaneously be in a vulnerable patient cavity such as an operative wound, the abdominal cavity, or the mouth.
 - d. HIV Infection Risk Activities. Activities placing one at risk of HIV infection as enumerated by the CDC for the exclusion of persons from blood or plasma donations. These include males who have had one or more sexual contacts with another male since 1977 and all persons who have had any unprotected sexual contacts or blood transfusion in sub-Saharan Africa or Haiti, shared needles used for self injection of drugs since 1977, receipt since 1977 of coagulation factor concentrate that has not been heat treated, been a prostitute at any time since 1977, and sexual contact with any person who has participated in one or more of the aforementioned HIV infection risk activities.

2. All HIV Infected UMHC Personnel.

- a. HIV infected UMHC personnel shall be excluded from patient care activity unless there is a determination by the Hospital Epidemiologist that the employee understands the mechanisms of HIV transmission and will take steps necessary to prevent HIV transmission.

- b. HIV infected UMHC personnel shall meet regularly with the Hospital Epidemiologist at the discretion of the Hospital Epidemiologist.

3. UMHC Personnel Who Perform Invasive Procedures.

- a. UMHC personnel who perform invasive procedures and have engaged in HIV infection risk activities shall determine their anti-HIV status. Anti-HIV negative UMHC personnel who continue to engage in HIV risk activities should monitor their anti-HIV status as appropriate. Such persons may seek counsel with the Hospital Epidemiologist as to what is appropriate.

- b. HIV infected UMHC personnel who perform invasive procedures shall inform the Hospital Epidemiologist and their Chief of Service of their HIV infection status.

- c. HIV infected UMHC personnel shall not continue to perform invasive procedures un-

less the Chief of Service and the Hospital Epidemiologist are satisfied that the person will exercise appropriate infection control safeguards. Under no circumstances may the person perform procedures requiring blind, "by feel" manipulation of sharp instruments (e.g., vaginal hysterectomy).

4. Patient Exposure. In case of accidental transfer of blood from an HIV infected UMHC person to a patient, the HIV infected UMHC person shall inform the patient's staff physician, and the Hospital Epidemiologist. The patient's physician shall assume responsibility for assuring that the patient is informed. The Hospital Epidemiologist shall assure follow-up of the patient.

5. Needlestick. See Policy 33.18, Needlestick or Other Significant Exposure to Blood or Other Body Fluids.

6. HIV Isolation policy. See Policy 33.21, Universal Blood and Body Substance Technique and Isolation, for isolation policy for HIV infected patients.

[From Minnesota Medicine, April 1991]

HIV INFECTION IN THE HEALTH CARE SETTING: PUTTING THE RISK IN PERSPECTIVE (Minnesota Medicine interviews Michael T. Osterholm, Ph.D., M.P.H.)

With the recent news of a Florida dentist transmitting the human immunodeficiency virus (HIV) to at least three patients, the public has become increasingly concerned about the risk of acquiring HIV infection from health care workers. The debate has become intense, with some pushing for mandatory AIDS testing and other adamantly opposing it.

In February, the American Medical Association and the American Dental Association issued a joint statement saying physicians and dentists who perform invasive procedures and are at risk of acquiring AIDS should be tested, and if HIV-positive, should either inform their patients or refrain from performing risky procedures. Response to the statement has been varied but strong, with many physicians arguing that it comes too close to proposing mandatory AIDS testing.

State Epidemiologist Michael Osterholm, Ph.D., M.P.H., recently reviewed the risk of acquiring HIV infection with the Zumbro Valley Medical Society's Legislation Committee. He presented data suggesting that widespread mandatory testing would do little to lessen the risk, which is minimal. Osterholm's discussion, which is recapped in this interview, convinced the society to postpone action on the bill.

Osterholm, also chief of the Acute Disease Epidemiology Section at the Minnesota Department of Health, has led studies to determine the risk of HIV infection in the health care setting, including the risk of patients transmitting HIV to health care workers.

Osterholm and the Health Department have been on the forefront of the AIDS issue, leading the nation in determining the accuracy of HIV testing and the risk of transmission in the health care setting. Osterholm, who believes some concerns about AIDS have been exaggerated, serves as a consultant to the Centers for Disease Control on this issue and is working to promote development of a reasonable policy that distinguishes between true risk and public fear.

MINNESOTA MEDICINE: Dr. Osterholm, thank you for agreeing to discuss a subject of great concern to health care workers and patients. We would like to hear your comments regarding the risk of acquiring AIDS in the health care setting. Can you help us put that risk in perspective?

OSTERHOLM: To deal with the issue, we need to examine the risk of human immunodeficiency virus (HIV) transmission from patients to health care workers and, as the public is now demanding, from health care workers to patients. Many of the issues that affect one discussion affect the other.

I am concerned about our understanding of the concept of risk—something our society has had problems coming to terms with in a lot of other areas, such as the environment and product liability. What is the risk, and how much risk is society willing to accept?

I believe we could completely eliminate the patient's risk of acquiring HIV from health care workers. However, the cost would be extreme, not just in terms of money but also in terms of the amount of testing involved and the resulting diversion of resources. The converse is also true. We could ensure that a patient would never infect a health care worker—or at least come very close to that. But, again, the cost—economic and otherwise—must be considered. To guarantee that level of safety, some infected people would be denied certain services, some kinds of procedures would be avoided, and the type of technology we can apply to those procedures would be limited.

Instead of taking these extreme measures to eliminate the risk of HIV transmission entirely, we are trying to find a middle ground where the risk is acceptable—whether it be one in a million or one in 100,000. At the same time, we want to avoid prohibiting a health care worker from doing his or her everyday job and denying patients the services they need.

MINNESOTA MEDICINE: Do you think widespread HIV testing would significantly reduce the spread of AIDS?

OSTERHOLM: Since 1985, we at the Minnesota Department of Health have strongly supported widespread testing of people who engage in behavior that puts them at risk of acquiring HIV. We believe it's very important for patients to know if they're infected. Early, appropriate treatment of HIV with Zidovudine (AZT) and other drugs can significantly increase the quantity and quality of life for people who are infected. This is similar in concept to managing patients with diabetes in the early stages to maximize the quality of their lives. We also know from studies that patients are more likely to initiate and maintain positive behavior to reduce the risk of HIV transmission if they know they are HIV-infected.

From the health care worker's standpoint, it's important to now about all aspects of a patient's health. A physician who is not aware of a patient's HIV infection cannot provide the most beneficial care, regardless of whether the physician is treating a broken leg or *Pneumocystis pneumonia*.

On the other hand, testing as we know it today has not increased infection control. All the data I am aware of demonstrate that knowing a person's HIV status does not reduce a surgeon's or other health care worker's risk of exposure to a sharp instrument. We would be the first to promote responsible testing in the health care setting if data existed to show it works. It just doesn't. What it does is cause relaxation of other infection-control measures.

The same is true for testing of health care workers. We have no data to support that widespread testing of health care workers would reduce the already very low risk of HIV transmission to patients.

HIV TESTING

MINNESOTA MEDICINE: Before we further discuss the risks of acquiring HIV in the

health care setting, let's talk about the tests. The public has misconceptions about what HIV testing involves. People hear about false positives and false negatives. Could you discuss the tests and their efficiency?

OSTERHOLM: The whole issue has evolved since testing was introduced in 1985 to improve the safety of the blood supply. In 1985, we at the Minnesota Department of Health wrote the first major article in the country on concerns about the performance of HIV-antibody serology. The commentary was published in the *New England Journal of Medicine* three weeks before U.S. blood banks introduced HIV-antibody serology as part of a mandatory screen for blood donors. We discussed sensitivity, specificity, the predictive value of a positive result, and most important, what would happen to the blood supply if every year we mistakenly told 2 percent to 3 percent of the population they were HIV-positive. For one thing, many people wouldn't want to donate blood anymore, and we'd be diminishing the small group of people who routinely donate blood.

Since 1985, more than 450,000 donors have given blood in Minnesota. During this time, 23 donors tested positive for HIV by enzyme immunoassay (EIA) and Western blot. Twenty-two donors were then tested by virus culture to determine if they were really infected. The HIV culture was positive for all 22. The other donor who was found to be HIV-antibody positive was not available for testing. However, he was likely infected since he had a risk factor for HIV infection and was positive for hepatitis B surface antigen. There wasn't a single false positive in that entire group. This high degree of accuracy can be explained by a couple factors. First, the EIA test is what I'd call "oversensitive," so it picks up individuals who are not truly infected. The Western blot test, which is used to confirm a reactive EIA, has a very high specificity. Using both tests allows us to maintain extremely high sensitivity and specificity. In the hands of a competent laboratory technician, this test is as good as any in medicine. Consequently, I'm not concerned that someone will inappropriately be labeled infected.

MINNESOTA MEDICINE: If I remember right, since 1985 no one has acquired AIDS from transfusions, but, naturally, some people are greatly concerned about that possibility.

OSTERHOLM: Your question brings up the flip side of the blood screening question, that is, has our testing missed someone who really was infected, and has that infected blood then been used for transfusion? We can't guarantee that hasn't happened, but of all the transfusion recipients who received blood after 1985 and have been tested, not one has tested positive for HIV, and many have asked to be tested. As far as we're aware, not one of the 350,000 Minnesotans who received blood from 1985 to 1990 has been diagnosed with HIV infection resulting from a transfusion.

It's important to realize that approximately 25 percent of those who received blood would have died during the initial trauma if the blood had not been available. The number of Minnesotans alive today because they received blood would more than fill the Metrodome, and not one has been identified as having HIV. This helps put the risk in perspective.

MINNESOTA MEDICINE: Let's talk about HIV-antibody seroconversion. How long does it take for HIV infection to show up on the antibody test once a person has been exposed to HIV?

OSTERHOLM: That depends on which testing method we use. If we use the sequential EIA and Western blot testing, which is the standard method, seroconversion for most infected persons will occur within 45 to 60 days. Seroconversion can take as long as six months for 1 percent or 2 percent of individuals infected with the virus. The vast majority of people who have seroconverted have detectable antibody within the first two months after infection. With health care workers who have a documented exposure, we've gone one step further and are now using things like p-24 antigen, polymerase chain reaction testing, and HIV culture. Using these supplemental tests, we can be almost certain of infection status within 35 to 45 days.

HEALTH CARE WORKER'S RISK

MINNESOTA MEDICINE: What is the prevalence of HIV and AIDS in health care workers?

OSTERHOLM: HIV-infected health care workers need to be separated into two categories—those who acquired the virus through nonoccupation-related behaviors, including male-to-male sex and IV needle use, and those who acquired the virus occupationally. Of the 150,000 adult AIDS patients diagnosed in the United States through 1990, approximately 8,000 are health care workers. This large number often surprises people, but it shouldn't, because health care workers make up about 5 percent of our nation's work force. The majority of those 8,000 health care workers acquired AIDS through risk behaviors not related to their occupations. By far, most are men who have had sex with men. This shows that we haven't done the best job in promoting risk reduction or behavior change in our own health care workers—the very people who are supposed to be helping the general population reduce their risk.

Some health care workers do acquire HIV infection as a result of their occupations. Currently in this country, we are aware of approximately 46 people who have acquired HIV as a result of an occupational exposure. Thirty of those are individuals with confirmed exposure. They tested negative for the virus immediately after the exposure and seroconverted within six to 10 weeks following exposure. The other 16 we call prevalent-positive, meaning they were positive when tested. These include individuals infected prior to 1985, before HIV serology was available. However, in this latter group, we cannot account for any other source of their HIV infection. Currently, there are only three occupation-related AIDS cases in health care workers. Most, if not all, of these other 43 HIV-infected health care workers will become the occupation-related AIDS cases of tomorrow.

As of September 1990 in Minnesota, we had 46 cases of AIDS in health care workers, 43 of them men. The mechanism of transmission of HIV has been identified for all 46 cases, and none of the cases represents occupational exposure.

MINNESOTA MEDICINE: From your description, the health care setting is not a particularly risky place for acquiring AIDS.

OSTERHOLM: That depends on your perspective, of course. If you're one of those 46 individuals from around the country who is HIV-infected as a result of occupational exposure, you'll probably say the work place is very risky. But if we look at the big picture, a health care worker has a greater statistical chance of dying in a car accident on the way to and from work than of acquiring and dying from occupation-related AIDS. I agree,

however, that this statistic isn't particularly comforting to the health care worker. Many health care workers argue that an individual willingly assumes the risk of driving a car, but that isn't the case when a person is accidentally exposed to HIV in the health care setting. I think that's a legitimate point, but still, the risk of acquiring HIV on the job is incredibly low.

MINNESOTA MEDICINE: Does the risk vary from one part of the country to another?

OSTERHOLM: Yes. The risk of developing HIV infection depends on several factors, including the likelihood of being exposed to blood. The exposure rate varies by occupation, the procedures a person does, and, to a certain degree, the person's technique. Also important is the prevalence of HIV infection at the institution where a person works. For example, in some hospitals in New York City, one out of every 20 patients is infected with HIV, compared with Greater Minnesota, where only about one of every 120,000 is infected. The other factor is the likelihood of transmission occurring when a person is exposed. We know from studies that about three per 1,000 health care workers who have a percutaneous exposure from a sharp instrument contaminated with HIV-positive blood will actually become infected. In other words, 997 out of 1,000 health care workers who were exposed to HIV through a break in the skin will not develop HIV after that exposure. Given the rate of HIV infection in Minnesota patients, the lifetime chance of a health care worker in a Minnesota hospital developing acute infection is roughly about five in 100 million procedures. We would expect less than one case per 1,000 surgeons over a lifetime after accounting for all the factors. However, this number changes if you're at an institution in New York City, where up to five of every 1,000 surgeons can expect to develop HIV infection during their lifetimes. The big difference is not their technique or the rate of transmission given a positive exposure; it's the number of patients they see who have the virus.

PATIENTS' RISK

MINNESOTA MEDICINE: Let's examine the other side, namely, the patient's risk. What is a patient's risk of acquiring AIDS from surgeons or other health care workers?

OSTERHOLM: As you know, this issue is being played up on television and on the front pages of our newspapers and weekly tabloids. However, to date, we know of just a single instance of patients being infected by a health care worker. In this case, HIV was transmitted from a Florida dentist to three patients. There will be more. But what is the risk over time? Is it one in 1,000 instances? One in a million? One in 10 million? That's where there may be some reasonable disagreement. Our experience with HIV and health care workers transmitting to patients is limited, but we have a relative wealth of information regarding hepatitis B, and many parallels can be, and should be, used to help anticipate the HIV experience.

MINNESOTA MEDICINE: Please expand on the concept of hepatitis B as an analogy to HIV infection.

OSTERHOLM: First, we know that hepatitis B virus is transmitted in manners identical to HIV. The one difference is quantitative, not qualitative. All the same bodily fluids are involved, but when a person receives a needle stick from a hepatitis B-infected patient, transmission occurs about 30 percent of the time. With HIV, as I mentioned, it occurs only about three out of 1,000 times.

In Minnesota, we've had a very active hepatitis B surveillance program. In fact, our

first efforts were reported in Minnesota Medicine in the early 1980s and subsequently have been published in other journals like JAMA. We have followed up on all health care workers to learn where they received their infections. We've also followed up on all patients, attempting to discern where they acquired their infections, considering the health care worker or contaminated blood as possibilities. In 15 years, we've followed more than 430 infected health care workers and identified only two who transmitted hepatitis B to patients. One was an obstetrician/gynecologist in the Twin Cities who transmitted hepatitis B to three patients while performing vaginal hysterectomies. The physician had only recently become infected and was not aware of it. He was doing vaginal hysterectomies using his left index finger to locate the tip of the suture needle. The needle was in his right hand; he was sticking his glove into this blind field, causing him to bleed through the tips of his fingers. He has stopped using that technique and has continued to perform other surgical procedures, and there has been no evidence of hepatitis B transmission to other patients for the last 12 years. The other instance involved a surgeon who transmitted the hepatitis B virus to a patient during a rather uncomplicated surgery that took place one day before the surgeon's acute onset of hepatitis B. We know of other surgeons in this state who are chronic carriers of hepatitis B, but we have no evidence that they have transmitted it to patients.

As infectious as hepatitis B is, we know of only two infected health care workers who have transmitted the infection in Minnesota. I predict that if 500 health care workers became infected with HIV in this state, we very well might have no HIV transmission to patients. This is basically the same issue raised earlier of patient HIV transmission to health care workers. We have to apply the same logic and risk standards to health care workers as to patients. I do not see this as an issue warranting the dramatic measures that some people have suggested. I believe people are overreacting to public pressure and unnecessary fear of the situation.

FEAR OF AIDS

MINNESOTA MEDICINE: Is AIDS like many problems in medicine, where people are unfamiliar with the facts, and they become fearful to the point of hysteria?

OSTERHOLM: Yes, and AIDS typifies this as well as any issue in society. In 1985, I attended school board meetings to discuss the risk of HIV in school children and whether infected children should be allowed to attend school. There has never been evidence of HIV transmission in the school setting, even though HIV-infected children attend school. At the meetings, I saw parents stand at the microphone with a cigarette in their hand and say, "I can't accept any risk to my child. I can't accept HIV-infected children in my child's school." At about the same time as these meetings, eight Minnesota children were killed in school bus accidents, yet those same parents put their children on the school bus every morning, and they allowed them to play football—a sport that four children died while playing that same year. I'm terribly concerned that we might be approaching HIV infection in health care workers similarly—with exaggerated fear clouding reality.

MINNESOTA MEDICINE: As a final question, what kind of HIV-testing recommendations do you think the Centers for Disease Control will make?

OSTERHOLM: As a scientist, I like to believe that the real world operates on fact, al-

though I know that's not true. I am concerned that political, as well as scientific, issues may be brought to bear on the Centers for Disease Control. It will be interesting to see to what degree the political process influences scientific decisions. If the decisions stay in the hands of the scientists, I have great faith that the CDC will establish a reasonable policy that is responsive to the interests and needs of all parties. If there is too much political influence, I believe policies will eventually be in place that are not based on science and fact, but will instead appeal to certain constituencies.

We need more forums like this interview to spur reasonable policy development. We need to put the issues on the table in order to distinguish fact from emotion. Somewhere in between we'll find a reasonable policy.

[From the Journal of the American Medical Association July 25, 1990]

EDITORIAL: THE HIV-INFECTED SURGEON

There are probably hundreds of practicing surgeons in the United States who are infected with the human immunodeficiency virus (HIV). In 1987, the Centers for Disease Control (CDC) estimated there were 625,000 to 1 million HIV-infected homosexual or bisexual men in the United States.¹ These cases are prevalent among approximately 70 million men in the United States between the ages of 20 and 64 years, projecting to approximately one HIV infection in every 100 young and middle-aged men in the United States. As of January 1, 1988, there were more than 120,000 male physicians providing patient care in surgical specialties.² Applying the national HIV infection proportion to US male surgeons is, of course, speculative; however, the proportion of male surgeons in the United States who have become HIV infected from unprotected male-to-male sex would have to be less than one-fifth the projected national proportion for there to be fewer than 200 practicing HIV-infected surgeons. Whatever the true number, the issues encountered by Mishu and colleagues,³ as described in this issue of *The Journal*, will undoubtedly arise in many US hospitals.

Early in 1989, several Nashville television stations and the two metropolitan newspapers learned that a prominent local surgeon had been hospitalized with the acquired immunodeficiency syndrome. Facing involuntary intrusions on their privacy, the surgeon's family publicly acknowledged the diagnosis. The event became front-page news and was the leading story on local newscasts for days, engendering considerable anxiety among the surgeon's patients. The three private hospitals where the surgeon had practiced decided to contact the patients he had operated on and offer free HIV antibody testing and counseling to reassure those patients. The hospitals sought the advice, resources, and data management skills of public health authorities, with the exemplary results presented in this issue of *The Journal*.³

To an extent that was disconcerting to public health authorities, the Nashville events were driven by publicity. Public anxiety was not mitigated by repeated assurances of negligible risk. Even though media fascination with the acquired immunodeficiency syndrome and public anxiety are currently waning, publicity, image, and fear of lawsuits still influence events. Hospital administrators will reasonably integrate these forces into their decisionmaking processes.

Recommendations regarding the HIV-infected surgeon have been difficult for consen-

sus bodies. The CDC readily formulated workplace guidelines for HIV-infected food service workers, personal-service workers, and, except during invasive procedures, health care workers.⁴ The CDC concluded that no interventions beyond conventional hygiene were warranted, but it took 5 more months to issue guidelines for invasive procedures that presented this same conclusion.⁵ However, in 1987, the CDC reopened the issue by indicating that decisions about patient care activities by HIV-infected surgeons "must be determined on an individual basis."⁶ With no criteria for this determination, the current recommendation is ambiguous. The American Hospital Association and a British working group have likewise begged the issue.^{7,8}

No surgeon-to-patient HIV transmission has been reported, but it is an example of the collective denial that has afflicted past HIV-related deliberations to avoid vigorous consideration of the issue. Hepatitis B virus transmissions from surgeon to patient have occurred⁹⁻¹³; it would be unexpected if HIV transmission does not also occur.

I believe it is an essential exercise, no matter how speculative, to estimate a probability of surgeon-to-patient HIV transmission before considering policy. I would put the probability between one per 100,000 and one per 1 million operations. The needle-stick transmission rate is about one per 250 exposures; it is likely that hollow-needle exposure is more hazardous than exposure from lumenless sharps. The patient exposure rate is probably somewhat less than one per 400 procedures, i.e., once every year or two per surgeon, based on a poll I conducted of hospital surgeons at the University of Minnesota. Presumably, the exposure rate is strongly influenced by the type of procedure. Ophthalmic surgery should virtually never produce a surgeon-to-patient blood transfer. In contrast, the hepatitis B virus precedent would suggest that vaginal hysterectomy and pelvic surgery are the most hazardous. These procedures involve blind, i.e., not directly visualized, by-feel manipulation of sharp instruments in patients' body cavities.

What should hospitals do regarding patients who have been operated on by a surgeon who is found to be HIV infected? Hospitals electing to contact patients and offer HIV testing will find the methods of Mishu and colleagues³ to be a masterful model. But the Nashville hospitals were presented with an unusually advantageous situation: (1) the surgeon's diagnosis was public, so there was no potential for compromising his privacy, (2) media attention was extensive, so there was less chance of creating anxiety when contacting the surgeon's patients, (3) the surgeon had stopped operating 4 months earlier, so late seroconversion did not have to be taken into account, and (4) local public health agencies were willing to undertake the counseling and testing of the surgeon's patients. Other public health agencies may be less supportive, fearing that a discovered HIV infection will be falsely attributed to intraoperative transmission. They would correctly point out that most or all of the detected HIV infections would be unrelated to the surgery. This problem can be partially obviated by viral strain analysis. Even without a follow-up investigation, it is probably wise for the hospital to obtain and store the surgeon's HIV isolate (with the surgeon's permission and using chain-of-evidence techniques) to compare with any putative related isolate. Scientifically, there is rationale for more follow-up studies, especially of oral surgeons, surgeons performing vaginal

hysterectomies, or surgeons performing other procedures requiring blind, by-feel manipulation of sharp instruments. But even if no transmissions are detected, the implacable mathematics of confidence limits mandate large studies to lower the upper limit below 0.5%. As far as patient interests are concerned, one's estimate of the probability of HIV transmission looms large. At one per 100,000 procedures, or lower, the chance of a transmission is too low to justify expending the resources except to relieve patient anxiety.

What steps, if any, should a hospital take with regard to future surgery by an HIV-infected surgeon? The CDC's current statement is no help.⁷ If the surgeon's HIV infection is public knowledge, the issue is moot. This doubtlessly partially underlies a statement by an American Medical Association official that spontaneous disclosure of any physician's HIV infection is not required.¹⁴ There is a slippery slope argument against any special intervention for the known HIV-infected surgeon: some would assert that, if anything special is to be done, then all surgeons should undergo mandatory screening. However, policy could require that surgeons undertake their own anonymous testing. The American Academy of Orthopedic Surgeons recommends "voluntary, confidential testing for health care workers, including orthopedic surgeons," presumably referring to anonymous self-testing.¹⁵ But no statement was made about what to do if the test is positive. We have taken a more restricted approach to testing at the University of Minnesota Hospital. Surgeons are required to determine their HIV status only if they are at an increased risk of HIV infection. They may undergo testing by whatever means they desire. If HIV infected, they are required to avoid performing surgery that requires blind, by-feel manipulation of sharp instruments. We believe that the probability of an HIV transmission during other types of surgery is so low that no other proscription is warranted.

—Frank S. Rhame, M.D.

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THE NATIONAL ENERGY SECURITY ACT OF 1991

Mr. JOHNSTON. Mr. President, yesterday, President Bush issued a strong endorsement of S. 1220, the National Energy Security Act of 1991, the legislation that the Committee on Energy and Natural Resources reported on June 5. The President urged the full Senate to act swiftly on the bill, which he called "an important domestic policy initiative."

I very much appreciate these remarks by the President and the bipartisan context in which they were made. The Committee on Energy and Natural Resources ordered S. 1220 reported by a bipartisan vote of 17 to 3. The effort in the Senate to fashion a national energy policy should also be a bipartisan effort.

The National Energy Security Act of 1991 is the proper vehicle for this debate. This legislation puts all non-tax energy issues on the table for consideration in a single comprehensive bill. All facets of the energy debate, including issues of energy efficiency, renewable energy, alternative fuels, and energy production are addressed in the bill. The Senate should debate these issues, consider whatever amendments Members may want to offer, and vote. That is the way we have always dealt with major energy policy legislation in the past. That is the way we should deal with energy legislation in the 102d Congress.

In the House, the Subcommittee on Energy Conservation and Power of the Committee on Energy and Commerce, under the very able leadership of Congressman PHIL SHARP, is now moving expeditiously to address the issues in that committee's jurisdiction that are addressed in S. 1220. I believe that the House is prepared to address energy issues this year in a comprehensive way. The Senate should do no less.

I ask unanimous consent that the remarks of the President and those of Admiral Watkins delivered yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT ON NATIONAL ENERGY STRATEGY, JULY 24, 1991

The PRESIDENT: Please be seated. Thank you all very much. Well, may I just thank everybody for coming in, and first of all

greet our Secretaries: Jim Watkins, who is doing an absolutely superb job on the energy front, and I'm delighted that he's here. And I think after I do my number here, why, he will get into a lot more of the substance. But I want to salute also Manuel Lujan and Bill Reilly, key players in our drive to do a better job on the energy front.

And, of course, we have in the front row, in case those of you in the back haven't seen them, Senator Wallop and Senator Bennett Johnston and Phil Sharp. And Mike Deland is over here. I'm getting in trouble because I'm going to—I thought Martin Allday was supposed to be here from FERC. There he is right there in the second row—Midland, Texas man. (Laughter.) Thank you again.

Five months ago—and many of you, maybe not all, but put it this way, most were probably here that day—we announced our comprehensive and balanced strategy for an energy future that is secure, efficient and environmentally sound. And our National Energy Strategy is designed to meet needs this nation can't afford to compromise: continued economic growth, increased energy efficiency, strong environmental protection and then a reduced dependence on foreign oil.

This strategy relies on the magic of the marketplace, the resourcefulness of the American people and the responsible leadership of industry and government. As we enter the next American century, this balanced approach will propel a larger and larger American economy in a more and more energy-efficient way.

And some have pushed for radical measures in order to reduce the oil imports and reduce our dependency; measures that, in my view, would hurt American industries and jobs and consumers. So we've got to act with care, but it is our firm belief that we've got to act comprehensively.

And our Energy Strategy strikes a balance. We believe it is a sound and reasonable middle ground that will achieve greater energy security without endangering the environment or stopping the economy in its tracks.

We start by using energy more efficiently. And we've got to accelerate our research efforts, to keep America on the cutting edge of new energy technologies like alternative fuels, electric cars, high-speed rail, solar and geothermal, safer and more secure nuclear technology.

Today, we want to build an energy future that opens the door to new and diverse energy sources, because our energy future should never be at the mercy of foreign exporters.

As Jim Watkins will tell you, most of the initiatives contained in this strategy can be implemented under existing authority. And the administration has already made, I think, a great deal of progress. We've set in motion a substantial part of the strategy already, in other words, without waiting for needed legislation—legislation that's needed in other areas.

On the legislative front, we've made substantial headway since we released the strategy last February. And I just can't tell you how much I appreciate the leadership of the members of Congress that are here. We're talking principally about the Senate bill here, but Senator JOHNSTON and Senator WALLOP, the Senate Energy Committee passed a comprehensive and a balanced energy bill, one which embodies the key elements of our strategy. And for them it hasn't been easy. They've had to compensate and consider a lot of interests up there, but they've done a superb job. And I urge the full

Senate to act swiftly on this bill which should win support from conservationists and industry alike.

There's been a lot said about the Johnston-Wallop bill, some of it, frankly, not very accurate. Let me tell you what it actually does. On balance, it defines a very positive role in energy for the federal government. It enhances efficiency, energy efficiency, in areas like building efficiency standards, federal energy management efforts, energy conservation investments by utilities, and the development of new transportation technologies and alternative fuels.

On the supply side, it ensures access to the energy we need to sustain continued growth, growth that is environmentally sound. And we've made a lot of progress on cleaner-burning gasoline over the last few years—private industry doing a superb job with its own research in this area. And in the bill before the Senate, we've encouraged the use of a whole range of environmentally-sound fuels like ethanol, methanol, electricity, propane, and certainly, encouraging the use of more clean burning natural gas.

We anticipate that the Johnston-Wallop bill will reach the Senate floor hopefully right after the August recess. I would defer to the experts, but that's what we're hoping for. It won't get there—they've a pretty full calendar before the August recess. The House began mark-up on the bill last week, and we're hoping for the same comprehensive approach there that was achieved in the Senate.

We need Congress to act wisely and, I think, act soon—and I know these members agree with that—on this important domestic policy initiative. And we need action on all fronts: to remain world leaders in technology; to protect the environment; to make the most of our domestic resources; and to encourage energy efficiency through incentives for industrial, commercial and private consumers.

Unfortunately, some critics don't seem to see the big picture. They focus on one or two issues that admittedly are controversial. And if I think they're controversial, talk to the senators and congressmen about it, because they get hammered on all sides on these issues. ANWR clearly is one of them.

And let me give you a little history. In 1980, Congress specifically avoided designating part of the coastal plain in Alaska—the ANWR, the Arctic National Wildlife Refuge—as wilderness. And instead, Congress asked the Interior Department to determine whether the resources of ANWR could be developed without harming the environment.

Well, since then, Interior has conducted or examined more than 170 studies. And time after time, these studies have shown that under strict environmental oversight, ANWR's coastal plain and its resources could, indeed, be developed safely. The wildlife will be protected. John Turner, the Director of Fish and Wildlife, is here today, and he's conducted rigorous studies. The way of life will be protected. And finally, the state of Alaska fully supports ANWR's development.

So I urge the Congress to take a look at these facts, more than 170 studies and the considered opinion of Alaska's own government, and not to be distracted by the critics, many of whom come from the extreme side. There are some that aren't, that just reasonably have doubt, but we cannot let our policy be shaped in this manner. And so please encourage people to take a look at the record.

Of course, all of you are here today because you can make a difference in the energy fu-

ture of this country. And some people act as if Washington can snap its fingers and impose an energy strategy on the rest of the country. We know that just won't work.

The best part of our strategy is that it does draw upon our greatest resource—I'd call it a national resource—and that is the ingenuity of our own people. With their resourcefulness, we can ensure that America in the next century will be energy efficient, environmentally sound and economically strong.

And so I really wanted to come over here today, first of all to say thank you, to salute those members of Congress who are out front and laying it on the line—it's not without a political downside to any of them—to stand up courageously for the kind of program that we've talked about here.

And as Bennett, Malcolm and Congressman Sharp will tell you, sure there are differences from time to time, but we're all on the same general track here. And I think it's the right one for our country.

So I want to thank you for your support. And I hope, and I'm right confident looking around this room, that we can count on your continuing support. So thank you all very much for your interest, taking the time from these fantastically busy schedules that everybody around this room has. And we're with you. I'm strongly in support of this program that our able Secretary, Jim Watkins will outline in more detail. And once again, thanks for coming. [Applause.]

REMARKS BY ADM. JAMES D. WATKINS, SECRETARY OF ENERGY, BEFORE THE WHITE HOUSE NES EVENT, JULY 24, 1991

INTRODUCTION

Thank you, Mr. President.

As you can see, development of the National Energy Strategy is one of this administration's top domestic priorities.

The last 2 years have seen the completion of major domestic initiatives by three different Federal agencies: DOE for the NES; EPA for the Clean Air Act, and DOT for the National Transportation Strategy.

The NES, as the President said, is a comprehensive, integrated strategy that brings energy, environment, economic, and science into balance for the first time. Its successful implementation requires action by a number of executive branch agencies, and by Congress.

The Senate Energy Committee has acted by an overwhelming vote of 17-3. Its distinguished Chairman, Senator Johnston, and ranking Republican Senator Wallop, here with us today representing their members, have completed work on S. 1220, a comprehensive bill that to a large extent coincides with the objectives set by this administration just 5 short months ago when the President sent his NES to the Hill.

In the House, Chairman SHARP of the Energy and Power Subcommittee, and ranking Republican Carlos Moorhead, began markup of energy legislation on July 17 and hope to move it forward to the full Energy and Commerce Committee after the congressional recess. Full Committee Chairman Dingell and ranking Republican Norm Lent have also indicated their strong support for comprehensive national energy legislation.

We are working closely with the House, as we continue to do with the Senate, to help assure passage of a bill that the President can also support, and in this session of Congress if at all possible.

We appreciate the tremendous hard work the Senate and House energy leadership have put into this legislation.

PROGRESS TO DATE

We are making progress on implementing the many initiatives which do not require legislation. For example: The renewable energy budget of the Department of Energy was increased by 45 percent during the first 2½ years of the Bush administration. This will continue, as we have planned a \$1 billion investment in renewable energy technology over the next 4 years. The energy conservation R&D budget was similarly increased by 53 percent in this same short timeframe.

The executive order issued by the President in April directing Federal agencies to reduce energy consumption by 20 percent, purchase alternative fuel vehicles, and purchase energy efficient products. The Internal Revenue Service rulings of May and June on tax free treatment of utility discounts for conservation, and on non-taxable employer-provided public transit benefits. The creation of a Government-industry consortium on the development of batteries that will make electric vehicles a viable means of transportation.

The EPA proposed rule that will allow powerplants to undertake pollution control measures and equipment maintenance programs without unnecessary regulatory burdens [WEPCO]. I congratulate administrator Reilly, here today, for his leadership in issuing this important proposed rule.

The Federal Energy Regulatory Commission [FERC] regulations to improve the hydroelectric licensing process, and the FERC conference on transmission and competition in the electric power market. Chairman Allday has engendered a new responsiveness in his first year at the FERC and is with us today.

The Department of Transportation's initiatives on new technology for so-called intelligent highway and many others.

As for the legislative debate, we think that a good, healthy debate based on the facts and the entire balanced package is needed. Unfortunately, many have decided to narrow the focus to just two elements—ANWR and CAFE—as though they were the only issues at stake.

This would ignore the more than 100 other initiatives in the NES and the other 14 titles in the Senate energy bill. More importantly, the scientific, technical, economic, and environmental facts on both these issues have become overwhelmed by previously hardened positions and emotion. For example, and as the President mentioned, we have two authoritative gentlemen with us here today to answer critics of ANWR development. Director John Turner of the Fish and Wildlife Service of Interior and Mr. Oliver Leavitt of the North Slope Borough assembly, are highly respected spokesmen for environmental protection and native Alaskan positions on the ANWR issue. I hope the media will seek their views.

CONCLUSION

We urge the Senate leadership to bring the committee bill to the floor for debate and decision. And we urge the House to finalize its committee markup expeditiously and meet the Senate schedule to the extent possible. I welcome today the letter from over 70 business organizations urging quick action this year.

The country deserves a comprehensive energy bill that is dedicated to environmental quality, economic well-being, energy security, and fiscal responsibility. For the first time, we have this noble objective set by the President and seriously addressed by the Congress within our grasp.

I urge you all there today to join us in bringing this critical, essential, undertaking to successful fruition this year.

In conclusion, I want to thank Secretary Lujan, EPA Administrator Reilly, Chairman Deland of the Council on Environmental Quality, and FERC Chairman Allday for joining me there today. Their help in developing the NES and their continuing cooperation in the NES implementation has been invaluable and clearly demonstrates the commitment of all in this administration to these important domestic issues.

WOMEN'S HEALTH PROBLEMS

Mr. REID. Mr. President, I have taken the opportunity many times, both in the Appropriations Committee and on the floor of the Senate, to point out the lack of attention that the Federal Government gives to dealing with women's health problems. It has been a very difficult fight to convince the administration or the Congress that more money ought to go to fighting women's diseases.

I repeat what I have said before: "It is much easier to get funding for research and treatment of men's diseases because Congress is dominated by men."

Although I have been able to get the Appropriations Committee to make small increases in such areas as interstitial cystitis, breast cancer, and inflammatory bowel disease, there is clearly a need to do much more in fighting diseases that are specific to women.

Mr. President, this was brought home clearly by an article entitled "Studies Say Women Fail To Receive Equal Treatment For Heart Disease," in this morning's New York Times. I ask that this article be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDIES SAY WOMEN FAIL TO RECEIVE EQUAL TREATMENT FOR HEART DISEASE

(By Gina Kolata)

Two new studies show that doctors treat women with heart disease less aggressively than they treat men.

Experts said the studies, which involved tens of thousands of patients, offered the first irrefutable evidence of sex differences in the way the condition was treated.

The studies showed that women were at most half as likely as men to undergo a common diagnostic procedure, cardiac catheterization, to determine how advanced their heart disease was. And women were much less likely than men to undergo bypass surgery or balloon angioplasty to unclog blocked arteries. Yet the women in the studies tended to have more advanced heart disease than the men.

NEW LOOK AT OLD ATTITUDES

Researchers cautioned that the studies did not prove that the women were worse off for being treated less aggressively. They noted that previous studies that assessed aggressive treatments had involved middle-aged men. Heart disease generally develops at a later age in women than in men, and they

said some cardiologists were concerned about extrapolating the results of studies of middle-aged men to the treatment of older women.

But heart disease experts said the studies should lead cardiologists to reconsider their approach to treating women with heart disease. Many added that the finding reflected a prevailing attitude among doctors that heart disease was a man's disease, an assumption that leads them to pay less attention to women's symptoms.

"I hope this will open internists' eyes a little bit," said Dr. Sandra J. Lewis, an investigator with one of the studies who is a cardiologist at the Oregon Heart Institute in Portland. "Chest pain in women is as or more debilitating than it is in men. Perhaps we can improve women's mortality rates by being more aggressive."

Dr. John Z. Ayanian, a heart disease researcher at the Brigham and Women's Hospital in Boston who conducted the other study, said that although the data could not prove that women would do better if they were treated more aggressively, they did raise alarms. "The important question is whether the severity of heart disease in women is being underestimated," he said. "The studies certainly suggest the possibility that it is."

SURVEY OF 112 HOSPITALS

Dr. Claude Lenfant, director of the National Heart, Lung and Blood Institute in Bethesda, Md., said: "These are very, very important papers. I think they are going to have a tremendous impact on the practice of medicine."

The papers are being published today in The New England Journal of Medicine and are accompanied by an editorial by Dr. Bernadine Healy, a cardiologist who is director of the National Institutes of Health. In her editorial, Dr. Healy deplored the findings. "The problem is to convince both the lay and medical sectors that coronary heart disease is also a woman's disease, not a man's disease in disguise," she wrote.

One of the papers, by Dr. Richard Steingart at Winthrop-University Hospital in Mineola, L.I., and his colleagues, examined the fates of 1,842 men and 389 women in 112 hospitals who were enrolled in a large clinical trial meant to test whether a drug, captopril, helped prolong the lives of patients who had a heart attack.

All the men and women in the study had had severe heart attacks. Before their heart attacks, the men and women were equally likely to have had warning signs of crushing chest pain. Yet the women were half as likely as the men to have had cardiac catheterizations, a diagnostic technique in which a tube is threaded from the leg into the heart arteries to inject a dye that shows how blocked they are.

The researchers said that 15.4 percent of the women had had catheterizations before their heart attacks as against 27.3 percent of the men.

Patients who are not given the aggressive treatments would normally receive drugs to relieve the load on their hearts.

FAILURE TO USE TECHNIQUE

Dr. Lewis said she was particularly concerned because many women who continued to have chest pains after their heart attacks still did not receive catheterizations. Yet, she said, a catheterization is a prerequisite for bypass surgery and patients with insufficient blood flow to the heart after a heart attack are one group that is known to live longer with bypass surgery.

But the investigators found that women who had catheterizations were just as likely as men to go on to have bypass surgery.

The second study, by Dr. Ayanian and Dr. Arnold M. Epstein of Harvard Medical School, used hospital discharge data to come to similar conclusions. The investigators examined 49,623 hospital discharges for Massachusetts patients with coronary heart disease and 35,159 discharges for heart disease patients in Maryland in 1987.

In Massachusetts, they found, men were 28 percent more likely than women to have had catheterizations and 45 percent more likely to have bypass surgery or balloon angioplasty, in which a balloon is inflated to compress the artery-clogging plaque against the vessel wall. In Maryland, men were 15 percent more likely to have had catheterizations and 27 percent more likely to have had bypass surgery or balloon angioplasty.

A LACK OF DATA

Heart disease experts said there were almost no data on the effectiveness of heart disease treatment in women. Previous studies that assessed aggressive treatments involved middle-aged men. Dr. Nanette Wenger, a cardiologist at the Emory University School of Medicine, said the lack of data made it difficult to know how best to treat women. "Many of us have great concern about extrapolating data from middle-aged men to older women," Dr. Wenger said.

One reason doctors may hesitate to be as aggressive in treating women is that they have a slightly higher mortality rate from bypass surgery. Dr. Wenger said. But, she said, studies had shown that women who had bypass surgery were older and sicker than men who had the operation and were more likely to have emergency bypass surgery, which is riskier and less successful. "It would seem reasonable that if women are treated earlier, they should do better," Dr. Wenger said.

Dr. Wenger said that many doctors were taught to take men's heart disease symptoms more seriously than those of women. She said that when she was trained, in the 1960's, she was taught that chest pain was not as serious a symptom in women as it was in men.

As an indication of the prevailing attitude in those years, she cited the title of the American Heart Association's pamphlet on diet. It was called, "The Way to a Man's Heart," Dr. Wenger said, adding, "The message was that women should protect their husbands, brothers, and sons from coronary disease." But the heart association no longer puts out that message, she added. The current pamphlet is called, "The Silent Epidemic."

SMALL BUSINESS ECONOMIC OPPORTUNITY ENHANCEMENT ACT—S. 1426

Mr. KASTEN. Mr. President, I rise today to join the chairman of the Small Business Committee, Senator DALE BUMPERS, in sponsoring the Small Business Economic Opportunity Enhancement Act. This legislation is designed to spark new small businesses, create new jobs, and more importantly, turn government welfare recipients into private sector entrepreneurs.

This bill establishes an innovative demonstration program at the Small Business Administration which will provide microloans for new small business startups and expansions.

I think it's important to recognize that many entrepreneurs don't need a lot of money to start a new business. They need access to scarce capital. For example, it only takes \$10,000 to purchase a cleaning service franchise, and \$8,000 to buy a truck to start a delivery service.

The problem is that the SBA and most banks don't make enough of these kinds of small loans. Banks don't make enough profit and SBA doesn't have the resources necessary to make each small loan and provide the needed technical support.

That's why the Small Business Economic Opportunity Enhancement Act is needed: to empower small entrepreneurs by providing much-needed capital. This program will give poor people the means to help themselves.

Under this program, the SBA would make direct loans—at the Treasury's cost of borrowing—to nonprofit, community-based organizations. To qualify for the program, these intermediaries must have an established track record in administering small, low-dollar loans.

Once accepted into the program, these intermediaries would make the microloans, charging the borrower up to 4 points above the Treasury rate. The loans will be small; the legislation specifies that the intermediary's loan portfolio must average \$10,000. No loan in this program can exceed \$25,000.

It's important to note that the intermediaries will be required to provide a 15-percent cash match of the amount they borrow from the SBA. This 15-percent set-aside will establish a reserve fund to ensure that the SBA's is repaid.

In order for microlending to be successful, the nonprofits must help these budding entrepreneurs with everything from developing basic business plans to dealing with regulations and taxes.

S. 1426 will provide grants to qualified intermediaries so that they can provide technical assistance and business advice to the borrower. Handholding, for lack of a better term, is the key to making microloans work.

Mr. President, I think it's important to point out that we are not creating another large, costly Federal program administered from Washington. Rather, this initiative builds on successful microloan programs in States like Wisconsin, Arkansas, and Minnesota.

For example, the Women's Business Initiative Corp., in Milwaukee has been making microloans for over a year, focusing on creating more women business owners. The loans have helped women open several new businesses: a pet store, a vintage clothing boutique, an advertising specialty store, and a wellness management consulting service, to name a few.

The Women's Business Initiative provides a one-stop service for the borrowers ranging from seminars on basic

business management to one-on-one counseling during the startup phase of the business.

Along with the Women's Business Initiative Corp., several other Wisconsin nonprofits have indicated their support for this legislation. Common Wealth Development of Madison, and the Northwest Side Community Development Corp. of Milwaukee are two of the other microloan advocates in my home State.

Mr. President, let me also stress that this program is not another Government handout. It is a loan program designed with incentives and safeguards to ensure that the loans are repaid.

This program empowers low-income entrepreneurs by giving them the resources they need to start a small company. If their business is successful, they will create local jobs for their communities.

I think the Small Business Economic Opportunity Enhancement Act combined with enterprise zone legislation and capital gains tax cuts will spark a new wave of small business formation, job creation, and entrepreneurial activity in our economy.

Again, Mr. President, let me say that I am pleased, as the ranking member of the Small Business Committee, to join the chairman as a cosponsor of this bill.

Mr. President, I ask unanimous consent that I be added as a cosponsor of this bill (S. 1426).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is closed.

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT OF 1991

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1435, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes.

The Senate resumed consideration of the bill.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 824

(Purpose: To impose a moratorium on the transfer of major military equipment to the Middle East)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. CRANSTON, Mr. HARKIN, Mr. DASCHLE, and Mr. AKAKA, proposes an amendment numbered 824.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 144, between lines 20 and 21, insert the following:

(b) CHALLENGE MORATORIUM.—(1) Except as provided in paragraphs (2) and (3), the United States Government shall not agree to any transfers of major military equipment to any nation in the Middle East and Persian Gulf region. This moratorium is established to induce and encourage the other permanent members of the United Nations Security Council to join in this effort and also to induce and encourage other members of the North Atlantic Treaty Organization, former members of the Warsaw Pact, and other major arms supplier nations to join in this effort.

(2) The requirement of paragraph (1) for a moratorium on United States arms transfers of major military equipment to the Middle East and Persian Gulf region shall cease to apply if the President submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives—

(A) a report stating that the President has determined that there has been agreement by another major arms supplier nation on or after date of enactment of this Act to transfer any major military equipment to any nation in the Middle East and Persian Gulf region; and

(B) the report required by section 646(a).

(3) Paragraph (1) does not apply to any transfer of major military equipment that is a necessary, emergency response to major and sustained hostilities in the Middle East and Persian Gulf region or to an imminent threat of such hostilities.

(4) Paragraph (1) and paragraph (2)(A) do not apply with respect to transfers which only involve the replacement on a one-for-one basis of equipment of comparable quality that has become inoperable after the date of enactment of this Act.

Beginning on page 147 strike line 21 and all that follows through line 9 on page 148.

On page 149, line 7, insert after "high-performance jet aircraft", the following: "attack helicopters, fuel-air explosives, cluster bombs,".

Mr. WELLSTONE. Mr. President, yesterday Senator CRANSTON and I announced our intention to offer this amendment to the foreign aid authorization bill to impose a U.S.-initiated multilateral moratorium on the transfer of major military equipment to the Middle East.

Specifically, this amendment prohibits the United States from exporting any new advanced conventional arms to the Middle East as long as "another major arms supplier nation" does not export such equipment to the region. The only unilateral action called for in this amendment is U.S. leadership. The resulting moratorium is multilateral.

This amendment just asks the United States to take the first step, to light a candle, to provide leadership in stopping this madcap exporting of more and more and more destabilizing weaponry to an already very unstable region in the world.

This amendment is cosponsored by Senators DASCHLE, HARKIN, and AKAKA. It is virtually identical to provision in the House foreign aid bill, passed by the House in June, after having been unanimously agreed to by the House Foreign Affairs Committee in May.

I do not want to consume time repeating my remarks from yesterday, in which I described the purpose and scope of this amendment.

However, I would like to take a few moments to underscore why this amendment is important.

Mr. President, the gulf war has taught us the perils—at least I hope it has taught us the perils—of arming Middle East States to the teeth. It has brought an overdue sense of urgency to the need to control the proliferation of weapons in the Middle East, to curb the worldwide arms trade, and prevent the spread of advanced conventional, chemical, biological, and nuclear weaponry.

The Middle East is the most heavily armed region of the world, although it is home to only 4 percent of the world's population. It is also one of the most unstable regions of the world, with 10 wars in the last two decades and persistent simmering conflicts.

Instead of devoting its resources to decent lives for its population, many Middle East Governments pour billions of dollars into weaponry of death and destruction. Of course, the Middle East is not alone unfortunately in pursuing these distorted budgetary priorities.

But the Middle East stands out in one respect and that is that it is almost entirely dependent on the rest of the world to provide its weapons. The Middle East is the largest single market for weapons merchants and Governments looking for profits and influence. Between 1974 and 1988, Middle East nations bought almost \$214 billion worth of advanced weapons. More than 75 percent was bought from the five permanent members of the U.N. Security Council.

Following the war, heads of state, legislators, and ordinary citizens recognized that the Middle East arms bazaar must be closed down.

As Secretary of State Baker declared:

The time has come to try to change the destructive pattern of military competition and proliferation in this region and to reduce the arms flow into an area that is already very over-militarized.

Many of our colleagues in the House and Senate echoed these sentiments. Newspapers across the country editorialized that the opportunity was now at hand to curb arms peddling to the Middle East.

Statesmen and Stateswomen among our Middle Eastern and European allies declared their support for international efforts to halt proliferation. And yet all that has come from this talk so far is one seemingly lackluster meeting in July of representatives of the supplier nations. Another plenary is scheduled for October, and that is all that we have seen.

Where is the leadership? Why the timidity? Why the commitment to noncommitment? Why the failure of the United States to take the first step and lead all the other nations toward a multilateral moratorium on major arms transfers to the Middle East? What are we waiting for? For the sake of that region of the world, for the sake of a more peaceful and loving world, for the sake of doing something about an overmilitarized world, for the sake of our children and grandchildren, where is the leadership?

Meanwhile, while preaching restraint, the United States has been practicing the same business-as-usual salesmanship. Within days of its Middle East arms control initiative, the administration announced its intent to provide F-15's to Israel, Apache helicopters to the UAE. And a proposal to sell up to \$14 billion in advanced conventional weapons to Saudi Arabia is expected to reach the Congress this fall.

Mr. President, I feel compelled to ask, when will the leadership start? Where is the leadership? Where is the mitzvah, to use a good Hebrew word? Where is the deed to match all of the rhetoric? There is no urgent requirement to send a new wave of weaponry to the Middle East. Israeli, Saudi, Egyptian, and Syrian forces were not consumed in the war. The security threat to countries in that region is lower today than it has been for decades. Yet this administration, the Bush administration, asserts that it must transfer yet billions of dollars worth of more weaponry to our Desert Storm allies.

Mr. President, Members of the Senate Foreign Relations Committee, Senators SARBANES, BIDEN, MCCONNELL, and KASSEBAUM prominent among them, have worked hard on legislation promoting nonproliferation objectives in the Middle East, and I thank them for their effort. But I must raise the question on the floor of the U.S. Senate as to whether or not we have done enough. We have an obligation to our families, our communities, and to future generations to do everything we can to stop rampant militarization. I do not see the leadership.

I do not see the leadership by the United States of America. Why are we not first in line to do something about the spiraling arms race? Why are we not first in line? Why do we not take an exemplary action? Why do we not say to all the other nations, we will

stop the sale of major conventional weapons if you do; if there are any further sales by any other countries, then we go on with our sales? It is embarrassing, Mr. President, to have to stand here on the floor of the U.S. Senate and argue so strenuously for such a modest proposal. It is downright embarrassing.

I recognize that the committee has labored over these provisions and produced language that all could agree to. I understand their desire to adhere to their final product, but, Mr. President, I am frustrated. This bill does not go far enough. It does not push this body or our country or the world in the direction of once and for all putting a halt to the spread of yet more destabilizing weaponry. It does not go far enough. Where is the leadership?

Within days of proposing this amendment, Mr. President, almost every major religious denomination and national peace organization came forward to support it.

In fact, Mr. President, this amendment is so modest that some would suggest that we should do much more. It asks the United States to take the next logical step in the supplier conference which is scheduled this fall by challenging all of the other nations to follow our example and suspend arms sales. This would demonstrate the United States' determination to control weapons proliferation, and it would provide a pause in arms sales conducive to negotiation where we finally could have some serious, credible, substantive arms control.

Where is the leadership?

Mr. President, let me say in closing that I find it incredible that despite all of the concern expressed around the world about the Middle East arms bazaar, the United States and our allies have returned to business as usual. Let me repeat that. I find it incredible that, despite all the concern expressed all around the world, including citizens in our country, about doing something about this arms bazaar, the United States and our allies have returned to business as usual.

This is not a time for timidity. This is not a time for inaction over action. This is not a time for noncommitment over commitment. When will our actions finally match our words?

I understand that there is opposition on the other side of the aisle, and I assume and certainly hope that there will be a response to my words. I think any time we have opportunity for peace in a war-torn region in the world and we do not seize that opportunity and we do not exercise that leadership, then we may have very well missed a decisive moment where we could do something very, very important.

Apparently, we are not willing to take that action. I came to the U.S. Senate believing this was a body where we would have debate and discussion about the issues of our time that affect

our lives and our children's lives, about the world that we live in, about what we need to do to make it a better world and a more peaceful world.

I look forward to the comments of my distinguished colleagues on the other side of the aisle.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, my friend from Minnesota, asks where is the leadership? I respectfully ask of my friend from Minnesota, where has he been for the last 2 years? Communism has crumpled; capitalism is sweeping the world. We are on the verge of having a breakthrough in the Middle East. We are very, very close for the first time since the establishment of the State of Israel, very, very close, right on the verge of having Israeli leaders and Arab leaders face to face discussing the age-old problem of Middle East peace.

Where is the leadership? I say to my friend from Minnesota, the leadership of this administration throughout the world, including the Middle East, which is clearly the toughest problem in the world, has been exemplary, extraordinary. Ask the American people: 74 percent approval for George Bush. My goodness, the leadership is here.

Let us call this amendment of the Senator from Minnesota what it is. It is a unilateral embargo, an embargo which will hurt our friends, damage our interests, undermine Secretary Baker and the peace talks, and, in fact, not limit a single weapon from going into the region. It will not limit a single weapon from going into the region.

What is going on around the world, including in the Middle East right now, I say to my friend from Minnesota, is clearly not business as usual. All you have to do is open your eyes, turn on the television and watch the news every day. Clearly, nothing that has been going on in the last 2 years is business as usual. There is dramatic change everywhere in large measure because of the policies of this administration and the previous administration who stood in the face of the Communist threat and literally stared it down to the point where the other side realized that what they were doing was simply not working.

We have witnessed that collapse and the victory of the United States in the battle of ideas.

The Middle East, which is the subject of the amendment of the Senator from Minnesota, is, indeed, the toughest problem. But even there progress has been made. The amendment of the Senator from Minnesota does not level the playing field. It levels the players. That is what it levels. Sure, Syria will not get any weapons, but Israel will not either. That does not make any sense. We have extraordinarily sensitive discussions going on right now,

as I said, with the most hopeful indications of peace that we have seen in a decade.

What does the Senator from Minnesota propose that we do? Secretary Baker turns his back and the Senate opens fire. This amendment would be a wonderful idea if we lived in Oz and the land of the Munchkins where the wizard and the good witch Belinda made all our dreams come true. But we do not live in Oz. We live in a world with Saddam Hussein, the PLO, and Hafez Assad. We live in a world where Secretary Baker is walking through a diplomatic minefield, a diplomatic minefield, Mr. President, and we are debating how to undercut his initiative.

This amendment, offered by the Senator from Minnesota, undercuts Secretary Baker, who is working hard to achieve the very goals that this embargo is all about. And just as importantly, it sends a signal that Syria and Israel are equal players when it comes to our support and security commitment.

Let me say, Mr. President, Syria and Israel are not equal, not now, not tomorrow, not ever, when it comes to the policies of the Government of the United States.

This amendment would be a bad idea at any time, but it is a particularly bad idea at this time.

Mr. President, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the amendment proposed by the Senator from Minnesota [Mr. WELLSTONE]. I share with him the concern about proliferation of weapons in the Middle East, but as a cosponsor of legislation that has been introduced by Senator BIDEN, Senator MITCHELL, and myself regarding negotiation among the arms supplier regimes, bringing some control through negotiation to the proliferation of advanced conventional weapons, I think it clearly is a critical and major difference.

We negotiated long and hard in the Foreign Relations Committee, and I think as the bill indicates there is strong support and we share the goals of arms control in the Middle East. But the main and absolutely critical difference between the language in the bill and the amendment that has been offered by Senator WELLSTONE is that in the bill a moratorium on arms sales to the region would be one negotiated and formulated in an international arena. The moratorium proposed by Senator WELLSTONE would be declaratory and unilateral.

I realize in my conferences with Senator WELLSTONE that he has said we will stop selling first, but we can negotiate—we can negotiate sales; we just

would not sell unless someone else sold first.

What one of our companies would wish to spend the thousands of dollars it takes to negotiate with uncertain plans for the future and even engage in any sort of effort? It clearly would hurt our own American companies.

I make the argument it would encourage proliferation because, believe me, unless this is negotiated, unless we have some multilateral understanding, other companies will race in from abroad and fill the gap.

I really do seriously believe this would undermine our efforts to bring some sense of stability in the Middle East. I do not agree that we have not provided leadership. It was the U.S. leadership that really initiated and encouraged the suppliers regime conference which recently met in Paris. It was under U.S. leadership. The recent G-7 meeting endorsed the efforts of the suppliers regime conference, not only the one past but the one coming up. I strongly feel that those are the efforts which are going to be successful.

We have had a long history of arms control efforts over the years, both declaratory and negotiated. I do not think there is anyone who has followed this history closely who will disagree with the conclusion that negotiated arms control is far more favorable and far more effective than unilateral declarations of constraint.

It is for those reasons, Mr. President, that I feel this would not be a positive approach to what I think is a shared desire on the part of many of us. It is for that reason, Mr. President, I would have to strongly object to the proposal of the Senator from Minnesota.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, I thank the Senator from Minnesota for his important contribution to this debate on arms sales to the Middle East. His words, too, about the need for leadership have some validity. President Bush has done a good job, but I think there is more room for leadership on the part of all nations in the field of arms control, although I do see mounting progress as the weeks and months go by.

I support the thrust of the proposal of the Senator from Minnesota, but I also recognize that the underlying bill represents a good compromise wrought by the Senate Foreign Relations Committee, particularly the Senator from Kansas, Senator from Delaware, and the Senator from Maryland. So my own intent is to support the language in the bill. But I would want the Senator from Minnesota to know how much I appreciate his contribution, and I would also suggest that this is a matter that might be successfully pursued in the conference.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. First of all, I commend the Senator from Minnesota because I think he has focused on one of the critical issues of our time. There is no question about it, this is an issue of extraordinary importance. To raise the question as to whether we have done enough is an important service.

I want to say to my good friend, the Senator from Minnesota, we wrestled with this very issue in the committee. There were those of us in the committee who felt, as we first started to deal with this issue, that a challenge moratorium of the sort that is outlined in the Senator's amendment, and which in fact is contained in the House-passed bill, in a way provided an opportunity not only to dramatize this issue but to set up a framework for addressing it. This approach in effect said we are not going to sell any arms and we are challenging others not to do so, and we will hold to this position until it is demonstrated that someone else has done it. If that were to happen, our moratorium would end.

Obviously, this course would require an administration which was committed to pursuing it very vigorously with all the tools at its disposal: diplomatic, political, and economic.

This administration took the position that they wanted to seek a multilateral agreement at the outset, not to start with a statement of the American position. Frankly, if I had my preference, I would think I would approach it from the same direction as the Senator from Minnesota, but the administration took a very strong position on that. In fact, they expressed such misgivings about this path, that they said the President might resort to a veto.

In the committee we addressed this issue, as the distinguished chairman has just indicated, and tried to come to a bipartisan resolution. Some have very strongly held views, and there are good arguments on both sides. I do not reject the other approach as being without rationality. I happen not to come at it quite that way myself. But that position was very strongly and very eloquently put, I must say, by the very distinguished Senator from Kansas [Mrs. KASSEBAUM].

In the end, of course, what we did is reflected in the bill. In effect, we pushed the President to begin the process of establishing a multilateral moratorium. To the administration's credit, they are working at that. They had one suppliers' meeting in Paris, a few weeks ago, and they came out of that with some agreements.

In my view this is only a first step. They are nowhere near even the middle, let alone the end, of the process but at least they began getting some agreements. I would say frankly, that I think this debate on the proposal of the Senator from Minnesota helps to

create additional pressure and momentum to keep that process moving forward. In that regard, I believe his proposal is extremely helpful.

In the end, the committee did not come out with the approach of urging the United States to take an independent position at the outset and then trying to pull others along with it, as opposed to the administration's approach which was to go to others, and try to bring them on board and then move all together. The administration strongly contends that they can move further by doing it that way.

People differ on that judgment, obviously. They also contend, as the Senator from Kentucky has indicated, that this is an extremely sensitive time in terms of dealing with the Middle East situation, particularly in view of the efforts of the Secretary of State to get peace talks going, and that this would complicate his efforts.

Frankly, I think a moratorium of all supplier nations—from the point of view of our interests in the Middle East and the Persian Gulf and the existing level of arms in that area—would be highly desirable. The chief danger is that additional arms will flow in and then trigger off another arms race.

Of course, one of the problems with this is that the suppliers are not limited to the five permanent members of the Security Council, but include other countries as well. We debated China's role, but we should remember that North Korea also is providing significant technology into that region.

I say to the Senator from Minnesota that there is a provision comparable to the one that he has proposed already in the House-passed bill. I think maybe if we could move forward with the provision as it has been reported from the committee, which represents a hard-fought and a delicate compromise, as you have just heard stated so strongly by my friend, the Senator from Kansas, then we could look at it again in conference. That would give us a chance to see what develops over the next period of time. It would provide an opportunity for the Secretary to continue to move forward with his peace initiative, and would therefore respond to his assertion that something like this would complicate the effort. I do not fully see how it would complicate the effort. But that is what they assert in any event, and I have to take that into account.

By the time we get to conference, we will have had an opportunity to see how things are developing. We would have the provision that is in the Senate legislation. We would have the House-passed provision. We would be able to try to work out something that provided additional impetus or momentum to the critical task of bringing this arms race under control.

The Senator is absolutely right in putting his finger on the centrality of this arms race in the Middle East and

the Persian Gulf, and the dangers that are associated with it and what the consequences may be. It would be an important item of discussion in the conference, and I would hope we can proceed on that basis.

I understand the Senator has very, very strong views on this, and in fact in many respects I share them. I think it is important that this issue be raised, and that there be an understanding downtown and across the country of the strength of the feeling on this issue by a significant number of Members of this body. Actually, I think all Members of this body have a concern about the issue and a desire not only to bring this arms race under control, but in effect to end it.

The difference comes over how best to accomplish that. Some are more responsive to the administration's position on how best to do it; others disagree with it and are prepared to contend with them about it. Perhaps it might work best if the Senator would reserve the issue for conference. We understand the Senator's strongly held views. Some of us who will be in the conference share many of those views, here and on the House side. And we will see, on the basis of what is now taking place and the need to reconcile two differing versions, how we can resolve this issue.

Mr. WELLSTONE. Mr. President, I would like to thank each of my colleagues for their remarks. I want to come back to the remarks of the Senator from Maryland in just a moment.

Let me just for a moment respond to the distinguished Senator from Kentucky. I think we have talked some on the floor and off the floor. I think we both believe that it is important to have discussion and debate. I appreciate his remarks. For that reason, I want to just try and clarify one or two points, and promise not to go on too long.

First of all, I want the Senator from Kentucky to know that I absolutely agree with him about what is happening in the world we live in that is positive and for the good. I want to assure my distinguished colleague, the Senator from Kentucky, that as a son of a Jewish immigrant from Russia, then to become the Soviet Union, I fully appreciate what it means when for the first time in 70 years we have free elections in that country, what it means when the Berlin Wall comes toppling down, what it means when a Vaclav Havel, once upon a time an imprisoned playwright, is now President of Czechoslovakia.

All of that, I think, is for the good. It is an enormous step forward. But I think my colleague, perhaps, overreaches a bit when he makes any kind of one-to-one correlation between those dramatic changes—all of the sort of powerful forces that have unleashed those changes, all of the internal dy-

namics within those countries—and any particular set of policies, by any particular government in our country, be that administration Democratic or Republican.

But that is quite beside the point. What I spoke about was a proposal to address weapons proliferation that I thought was concrete and substantive. I want to make it real clear that I did not call for a unilateral moratorium. The only thing I called for that was unilateral was leadership. The moratorium would be multilateral.

I remind my distinguished colleague from Kentucky that the Israeli Minister of Defense, Moshe Arens, also called for a multilateral moratorium. I want to remind my distinguished colleague from Kentucky that, unless I am wrong, a proposal to sell up to \$14 billion in advanced conventional weapons to Saudi Arabia is expected to be sent to the Congress as early as September.

So what I am just saying is that now is the time to focus on this weapons proliferation. Now is the time to learn the lessons that we need to learn, not just for Democrats or Republicans, not just for Senators or Representatives, but for all the people in the world. And I think we can, and should, do much more. I have gone on the record, and I have said what I believed.

I heard the remarks of the Senator from Kansas who has labored so mightily to move this forward; I respect her. I have heard the remarks of the Senator from Kentucky. We do not always agree, but I know he has worked very hard on this committee. I also listened very carefully to what the Senator from Maryland said.

Perhaps what would be best—and I think it would be best—would be for me to withdraw this amendment. I hope that there will be further discussion of this in the conference committee and among my colleagues. I think now is the time. Maybe it is not the time for my amendment today.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment is withdrawn.

The amendment (No. 824) was withdrawn.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I do not see any particular purpose in prolonging the discussion any further, but I do want to make a couple of observations to my friend from Minnesota.

First of all, I appreciate his withdrawing the amendment. That will allow us to move forward with the legislation. The issue which the Senator from Minnesota has raised was the question: Where is the leadership?

Well, the leadership of this administration, and the previous administration, in the judgment of this Senator, had a good deal to do with the changes that have been occurring around the world in the last 2½ years.

My good friend from Minnesota seems to believe—I gather, from his observations a few moments ago—that all these things just happened out of the blue; that America had somehow nothing to do with the fact that the Berlin Wall came crumbling down; that Communist countries are rejecting communism out of hand, running pell-mell in the direction of capitalism and democracy; that somehow this all just happened by accident.

It did not happen by accident, Mr. President. That is a rather absurd, I think, conclusion to reach. If there is anything America stood for in the post-World War II period, it is democracy and capitalism. We won that war.

So the question is whether we have confidence in the leadership, as the Senator from Minnesota put it. The leadership is now working on the Middle East—the same leadership that helped bring about these dramatic changes all across the world, the same leadership that has now nudged Hafez Assad, and it appears Israel as well, into the face-to-face discussions that Israel has wanted for 40 years; that same leadership is the leadership that convened the meeting in Paris to discuss arms proliferation, which is a subject we all care about. It is a question of whether you trust the leadership.

So, Mr. President, I commend the Senator from Minnesota for raising a very important issue. As my friend from Maryland pointed out, it is not a question of disagreeing on the end goal. It is a question of how you get from here to there.

On the question of, "where is the leadership?" I think the leadership is conspicuous, effective, and it has demonstrated that in the last few years. I believe it has a chance to demonstrate it in the Middle East, the place where the problems are the toughest to solve of anywhere in the world.

So I commend the Senator from Minnesota for raising this most important issue. I appreciate his withdrawing the amendment, so that we can move forward toward the conclusion of the bill.

We have worked—staff has—over the evening identifying the amendments that we believe are coming, and we are optimistic that we can finish this legislation sometime today or tonight.

Mr. WELLSTONE. Mr. President, I am not going to continue the debate. I am sure there will be ample time and opportunity to continue this discussion with the distinguished Senator from Kentucky.

I say to the Senator from Maryland—and I think that other people can appreciate this around the country—that as a freshman Senator, it is never easy

to come to the floor and to speak for what you believe in, to fight for what you believe in. It really means a lot to have the encouragement from Senators that you hold in such high regard and esteem.

I really appreciate the remarks of the Senator from Maryland. It means a great deal to me personally. Yet, it sort of whets my appetite to continue to do more here in the U.S. Senate. I thank him for the encouragement, and for his eloquence and leadership. I know these remarks are always made on the floor of the Senate, and it becomes kind of stylistic but, darn it, I mean it. Thank you.

Mr. SARBANES. Mr. President, I want to thank my able colleague from Minnesota for those kind remarks. All I can say is, if I have helped to whet his appetite to speak out and to continue the forceful stands which he has taken, that has been a significant contribution here this morning. I thank the Senator very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, for the information of our colleagues, Senator MCCONNELL and I would like to indicate where we are on this bill. We know there are a couple of controversial amendments which will come up this afternoon. They will require debate and votes, and people are preparing now for that exchange.

We are here, and it is not even yet the lunch hour, and we would like to try to have Members who have amendments, many of which we think are noncontroversial and can probably be accepted by the managers, to come and offer those amendments. In fact, we want Members to offer any amendments, controversial or not.

But I do suggest that Members who have amendments that are in various stages of discussion, which we think can be worked out and accepted, come and present those now so we could clear the decks of those. And we are also trying to get up one of the controversial amendments now in short order. A couple of the others we know will come this afternoon. If we can do all of that—and there is no reason why we cannot; it is not an unreasonable expectation or hope—we would be in a position, I think, to finish this bill by the end of the day and not require a late evening. I am sure all Members would like to have that state of affairs.

We have a list of people with some amendments. We have been in contact with them. We do encourage them to

come and propose them so we can move this bill forward.

Mr. MCCONNELL. Mr. President, I say to my friend from Maryland this is not a crime bill situation where we have hundreds of amendments out there. We are really down to relatively few. As the Senator from Maryland indicated, most of those we think can be worked out and accepted. So we are not that far. The light can be seen at the end of the tunnel.

Senator CRAIG, I am told, is on the way to offer an amendment and we encourage others to do that. It seems entirely reasonable we could finish this bill sometime today, particularly if we will combat our nocturnal tendencies and try to work during the day rather than in the evening, something I think everyone will applaud later.

Last evening right after everyone finished eating there was a swarm of Senators on the floor ready to do business, yet in the middle of the afternoon we had about a 2-hour dead time. So please come on down. It will avoid that problem tonight, which is something I think all of us will appreciate.

Mr. SARBANES. Mr. President, if there are amendments that the managers can accept, we will accept and dispose of them. And if we cannot, we will have a reasonable debate on them, go to a vote, and keep moving forward on this matter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 825

(Purpose: To express the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 825.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . POLICY ON MILITARY BASE RIGHTS IN PANAMA.

(a) FINDINGS.—The Congress finds that—
(1) the Panama Canal is a vital strategic asset to the United States and its allies;

(2) the Treaty Concerning the Permanent Neutrality and Operation of the Panama

Canal and the Panama Canal Treaty, both signed on September 7, 1977, mandates that (A) no United States troops are to remain in Panama after December 31, 1999; (B) the Canal Zone is to be incorporated into Panama; (C) United States Panama-based communications facilities are to be phased out; (D) all United States training in Panama of Latin American soldiers is to be halted; and (E) management and operational control of the Canal is to be turned over to Panamanian authorities;

(3) the government of President Guillermo Endara has demonstrated its determination to restore democracy to Panama by quickly moving to implement changes in the nation's political, economic, and judicial systems;

(4) friendly cooperative relations currently exist between the United States and the Republic of Panama;

(5) the region has a history of unstable governments which pose a threat to the future operation of the Panama Canal, and the United States must have the discretion and the means to defend the Canal and ensure its continuous operation and availability to the military and commercial shipping of the United States and its allies in times of crisis;

(6) the Panama Canal is vulnerable to disruption and closure by unforeseen events in Panama, by terrorist attack, and by air strikes or other attack by foreign powers;

(7) the United States fleet depends upon the Panama Canal for rapid transit ocean to ocean in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persian Gulf War, thereby saving 13,000 miles and three weeks' steaming effort around Cape Horn;

(8) the Republic of Panama has dissolved its defense forces and has no standing army, or other defense forces, capable of defending the Panama Canal from aggressors and, therefore, remains vulnerable to attack from both inside and outside of Panama and this may impair or interrupt the operation and accessibility of the Panama Canal;

(9) the presence of the United States Armed Forces offers the best defense against sabotage or other threat to the Panama Canal; and

(10) the 10,000 United States military personnel now based in the Canal Zone, including the headquarters of the United States Southern Command, cannot remain there beyond December 31, 1999, without a new agreement with Panama.

(b) POLICY.—It is the sense of the Congress that the President should—

(1) negotiate a new base rights agreement with the Government of Panama—

(A) to allow the permanent stationing of United States military forces in Panama beyond December 31, 1999, and

(2) consult with the Congress throughout the negotiations described in paragraph (1).

Mr. CRAIG. Mr. President, I am offering an amendment which will preserve the United States interest in the Panama Canal and promote security in the region.

My amendment expresses the sense of the Senate that the President should seek to negotiate a new base rights agreement with Panama to allow United States troops to remain in Panama beyond December 31, 1999. It also states that the troops should retain the ability to act independently to protect U.S. interests and the operation of the canal.

There has been a great deal of controversy over the Panama Canal Treaties. As is well known, they gradually relinquish United States control of the Panama Canal and require the withdrawal of all United States military personnel by the end of 1999.

I met earlier this week with five members of the Panamanian Legislature, and received strong support for my resolution. My colleagues from Panama expressed their concerns regarding the withdrawal of United States troops, and the impact that would have on their economy and security. I would like to take a moment to read a followup letter that I received from these legislators:

DEAR SENATOR CRAIG: We were pleased to meet with you yesterday and to review Senate Concurrent Resolution #24 regarding a future relationship between our two countries over military bases in Panama.

As responsible Panamanians, we would welcome the opportunity to discuss such a future relationship.

We recognize the U.S. has a legitimate security interest in the Panama Canal. We further recognize that the existing U.S. military presence in Panama represents some 6,000 well-paid jobs, whose discontinuance would further complicate an already weakened economy and would seriously jeopardize our country's political stability. Unemployment is currently Panama's major national-security problem. At 23%, with a further 20,000 young people coming onto the job market every year, you can surely understand our concern over any further deterioration on an already bad situation.

This situation is part of the aftermath of a 20-year period of military dictatorships. Reversing patterns forged over a full generational span is a trend that cannot be overcome in a very short time. (At a very least, this is not a realistic expectation.)

With the advent of the Endara Government, Panama is now taking stock of its long-term perspectives and is attempting to lay the foundations for the sustained long-term development of a Western-style democracy. Basic economic issues, such as employment, are crucial to the success of our efforts in this regard.

And the letter continues, Mr. President.

Mr. President, I think it is clear that Members of the Senate can see the flavor. Let me conclude, at least reading from the letter:

We recognize we are at a crossroads in U.S.-Panama relations. We appreciate your personal efforts to suggest the right road to take.

Mr. President, I ask unanimous consent the full text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASAMBLEA LEGISLATIVA,
July 23, 1991.

Senator LARRY CRAIG,
Washington, DC.

DEAR SENATOR CRAIG: We were pleased to meet with you yesterday and to review Senate Concurrent Resolution No. 24 regarding a future relationship between our two countries over military bases in Panama.

As responsible Panamanians, we would welcome the opportunity to discuss such a future relationship.

We recognize the U.S. has a legitimate security interest in the Panama Canal. We further recognize that the existing U.S. military presence in Panama represents some 6,000 well-paid jobs, whose discontinuance would further complicate an already weakened economy and would seriously jeopardize our country's political stability. Unemployment is currently Panama's major national-security problem. At 23 percent, with a further 20,000 young people coming onto the job market every year, you can surely understand our concern over any further deterioration on an already bad situation.

This situation is part of the aftermath of a 20-year period of military dictatorships. Reversing patterns forged over a full generational span is a trend that cannot be overcome in a very short time. (At the very least, that is not a realistic expectation.)

With the advent of the Endara Government, Panama is now taking stock of its long-term perspectives and is attempting to lay the foundations for the sustained long-term development of a Western-style democracy. Basic economic issues, such as employment, are crucial to the success of our efforts in this regard.

Panama and the U.S. share a common interest in workable democracy astride the interoceanic waterway.

We strongly support your recommendation for both countries to meet to discuss these issues within a reasonable time frame, long before the target date set by the Panama Canal Treaties for the year 2000.

We would both welcome and support such a dialogue should it materialize. We further believe the vast majority of the Panamanian people already take a realistic look at the fundamentals involved and would support such a dialogue in a mature and responsible manner, within the sustained democratic framework required for credible, long-term implications and results. Successive "La Prensa" public opinion polls suggest our belief is indeed anchored in current fact. They also show that a large and growing segment of Panamanian public opinion would support such a dialogue.

We recognize we are at a crossroads in U.S.-Panama relations. We appreciate your personal efforts to suggest the right road to take.

Yours,

LEO GONZALEZ,
Legislator.
ALONSO FERNANDEZ
GUARDIA,
Legislator.

Mr. CRAIG. Mr. President, serious concerns have been raised about the propriety of ratification of the treaties. While we may have varying degrees of concern, I think we can agree that the base rights problem must be addressed. The political atmosphere has changed since these treaties were negotiated, both here and in Panama.

With the support of a continued United States presence being expressed by key Panamanian legislators, as well as by the people of Panama, it is time for the United States to respond. As we draw nearer to December 31, 1999, we come closer to putting United States interests and regional security at risk, and Panamanians have a growing concern regarding unemployment and economic impact.

It would be difficult to overstate the strategic and economic importance of the Panama Canal Zone to the United States. Panama is an important center for international maritime commerce. Any blockage of the canal would greatly disrupt U.S. exports and increase costs for transporting goods. Currently, 15 percent of all U.S. imports and exports pass through the canal annually each year.

The fact that the waterway is a strategic choke point in times of crisis is clearly illustrated by the fact that the number of warships transiting the canal more than doubled after the beginning of the Persian Gulf crisis. Without the canal, ships would have had to make a 13,000-mile trip around Cape Horn, taking about 3 weeks. Even in the best of situations, loss of the use of the canal would create a security risk for this country.

The Panama Canal is of vital importance to the United States. Its security cannot be jeopardized. While there is no question that President Guillermo Endara has proven his determination to restore democracy to Panama, our cooperation in working with him is fundamental.

Beyond the current economic and strategic needs we have, as it relates to the canal itself, we recognize our commitment to a democratically controlled Government of Panama, our abilities, and the importance of working with them. We cannot ignore the fact that Panama has a history of unstable governments.

Beyond the current economic and strategic needs, we have a new relationship with Panama. I commend the Democratically elected Endara government for diligently working to improve its economy and to stabilize its democratic institutions. They have made a strong commitment to democracy, and face a difficult road in turning back many years of policy formed under dictatorships.

To ensure stability, it is expected that Panama will require an annual growth rate of 6 to 8 percent. This will ensure acceptable levels of employment and income.

Forecasted economic growth in fiscal 1991 is between 3 and 4 percent. Direct loss of the jobs of those working on the bases when the U.S. forces are removed is expected to be more than 6,000. The secondary effect will impact 11,000 to 15,000 people, plus their dependents, according to my Panamanian colleagues.

In a country the size of Panama, this could have a devastating effect. They also estimate a loss of \$400 million a year—an amount equalling nearly 20 percent of the Panamanian Government's budget.

Now is a time when our two Governments should come to the negotiating table to work out a mutually beneficial agreement that will solidify the future of United States-Panamanian relations.

Panama has dissolved its defense forces and has no standing army or other forces capable of defending the Panama Canal from aggressors. National Police Director Egrahim Asvat has publicly expressed concern that 9 years is too short a period for Panama to accept full responsibility for the canal's protection. The sufficiency of current allocations, \$2.7 million to prepare the Canal area police for its new responsibilities has been questioned.

As recently as December 1990, we saw a coup attempt in which 100 renegade policemen, led by the former police chief, Col. Eduardo Herrera, seized control of police headquarters in Panama City. At the request of the Panamanian Government, the rebellion was stifled by the assistance of United States troops. Had the uprising not been subdued, it is possible that Panama would now be controlled by another Noriega-style dictator.

Unless we act in time, the canal will be turned over to Panama with no real safeguards against a third party, hostile to the United States, taking control of the area or restricting its use by United States ships. National security and economic interests demand that we give careful consideration to any policy alternatives that will prevent such a mistake from happening. Concerns for the future of the Panama Canal, and the economy of our southern neighbor, also require our expression of support for their efforts.

Again, let me remind my colleagues that support for a United States presence among Panamanians has been climbing, according to polls listed in *La Prensa*. Support for my bill has also been expressed by several members of the Panamanian Legislature, including Alonso Fernandez Guardia, President of the Panamanian Senate. For these reasons, I ask my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. MCCONNELL. Mr. President, I commend the Senator from Idaho for his amendment. I think it is an excellent amendment. I am happy to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 825) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 826

(Purpose: To recognize trends in population growth)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 826.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 103, add the following new subsection (C)

(C) TRENDS IN POPULATION GROWTH.—Current trends in human population growth have no historical precedent. Global population, currently at 5.3 billion, is projected to grow by 90-100 million people every year in this decade.

Mr. SIMON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

AMENDMENT NO. 827 TO NO. 826

(Purpose: To authorize funding for United Nations Populations Fund)

Mr. SIMON. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 827 to amendment No. 826.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted by the pending amendment insert the following:

At the end of section 103, add the following new subsection (C)

(C) FUNDING FOR UNITED NATIONS POPULATION FUND.—Up to \$20,000,000 of the funds authorized to be appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics notwithstanding any other provision of law or policy: *Provided*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) and section 535 of this Act (relating to prohibitions on funding for abortion as a method of family planning, co-

ercive abortion, and involuntary sterilization) shall apply to the funds made available pursuant to this subsection: *Provided further*, That any recipient of these funds under this heading shall be required to maintain to funds made available pursuant to this subsection in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than \$57 million for family planning program in the People's Republic of China.

Mr. SIMON. Mr. President, this amendment authorizes \$20 million to be used for the U.N. Population Fund. I would like to make clear to my colleagues and the staff who may be following this on the television tube—because there has been concern that the reason we withheld funding from the U.N. Population Fund was because of the forced abortions in China, a policy that no one that I know of in this Chamber approves of—that what this amendment says is that \$20 million is authorized for the U.N. Population Fund for China, but it is offered with the stipulation that if even \$1 more of U.N. population funds go to China, then the entire amount has to be returned to the United States. So we make out very, very clearly, none of this funding can in any way be used to assist the program in China. I think that takes care of what has been the major objection to this. In fact, the U.N. Population Fund for population assistance has only six employees in China, and the program consists of education, distribution of contraceptives, maternal and child health care programs, and that sort of thing. The U.N. Population Fund is not involved in any way in any country in abortion activities. I want to make that very, very clear. If the United States withholds our funding, we simply aggravate a problem that is a very, very severe problem.

From the beginning of time, Mr. President, until the year 1830, the world accumulated 1 billion people. From 1830 to 1930, it moved to 2 billion. We have seen the world population move in the area of 5 to 6 billion people at this point. If I live out a normal life span—I was born in 1928—I will see the world population quadruple.

The population growth is primarily in areas of great poverty. That is where the United Nations is particularly helpful. The United Nations, for example, is working in Africa; in 43 countries. AID is working in a few countries, but the U.N. Population Fund is working in 43 countries. Obviously, in Africa where the population growth is a major, major problem, they can be of assistance in areas where we cannot be of assistance.

There are a whole series of arguments that can be mentioned. I will simply point out that the U.N. Population Fund is used only for contraceptive commodities and related logistics. The U.N. Population Fund uses none of its funds for abortion. None of these funds can be used for abortion purposes.

I mentioned Africa. Africa contains 29 of the world's poorest countries; 62 percent of its population lives in absolute poverty. Continentwide, Africa has a 3 percent population growth rate and only a 1-percent growth rate in food production. Obviously, they are facing major, major problems. A woman in Africa is 200 times as likely as a European woman to die as a result of giving birth. Trees are cut down and used 30 times faster than they are replaced.

I remember visiting in Mauritania where, at the time I was visiting, they were growing 10 percent of their own food.

Clearly, the population problems have to be addressed.

Let me point out that the head of the AID has been quoted as saying the U.N. Population Fund does not provide direct support for abortion or coercive action. They have made that very, very clear.

Mr. President, I think the need is so clear and so obvious that I hope the amendment can be adopted. Let me add and say to the managers of the bill, I will be happy to agree to a time limitation so we can move on the amendment soon. My hope is that because of the stipulation that we have that if the U.N. Population Fund increases the funds for China by even \$1, the full amount has to be returned to the United States, that would satisfy any objection that might be there.

Mr. President, if there are no questions, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I send a modification of my amendment to the desk, a technical change that I was told by the staff is required.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 827), as modified, is as follows:

At the end of the amendment, add the following new subsection (D):

(D) FUNDING FOR UNITED NATIONS POPULATION FUND.—Up to \$20,000,000 of the funds authorized to be appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics, notwithstanding any other

provision of law or policy: *Provided*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) and section 535 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available pursuant to this subsection: *Provided further*, That any recipient of these funds under this heading shall be required to maintain the funds made available pursuant to this subsection in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than \$57 million for family planning programs in the People's Republic of China.

Mr. SIMON. Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, thank you.

Mr. President, I rise in support of the Simon amendment on UNFPA. I think my colleagues are aware that the Simon amendment is parallel to the language that has been included in the House Foreign Operations appropriations bill so that this is something that is well on its way to legislative accomplishment.

There are those who say why should the United States of America be in a U.N. agency on family planning? Do we not find some of our own operations?

Well, the answer is, yes, we do find some of our own activity. But this money will go for family planning that is in a way the most efficient use of scarce foreign aid dollars. The U.N. Family Planning Agency is headed by an extraordinary woman. She is so extraordinary that the Johns Hopkins School of Public Health has chosen to give her an honorary doctorate because of her distinguished ability in this area. She is recognized as a leading world authority on public health and on how to implement family planning policies around the world, recognizing cultural, ethnic, and religious differences.

The United Nations has the infrastructure, the expertise, and the personnel to do it. It specializes in it. Our own U.S. program is spread thin. UNFPA is worldwide. It is in 143 countries. The United States has bilateral programs and in only 48. AID is not in

the Congo, it is not in Angola, it is not in Malawi and the United Nations really has the ability to go into these organizations.

There are those who express concern about this is just another way for us to be involved in global abortion counseling. They do not want us to be involved in global abortion counseling. I understand that. I support that. That is the very nature of the Simon amendment.

This amendment is limited to providing only family planning commodities or family planning technological methodology. It does not in any way pay for abortion counseling or abortions. In fact, it absolutely prohibits us to be involved in that.

What does it pay for? Well, it pays for only pills, the storage and transportation of commodities, condoms, and that technology normally associated with family planning.

No United States funds can go to China. No funds may be used for abortion as family planning, and the United States has to maintain funds that need to be in a separate account. Also, if the United Nations increases any funds that it gives to China which is controversial, this then would negate that.

I want to be very clear that this amendment does not fund counseling or the training of counselors. It does not go for administrative support. It does not pay for clinics where women may get shots of Depo-Provera, where that could be culturally offensive.

Mr. President, I think the U.N. Family Planning Agency is doing an extraordinary job worldwide. It is helping us. It is helping the world to come to grips with probably one of the most significant issues, which is population explosion. And it has done it in a way that has been frugal and effective.

I think the United States of America ought to participate in that so we help 143 nations instead of only 48 come to grips with this. I say this as the only Democratic woman in the U.S. Senate. I truly believe that, if the women of the world could learn to read and know how to practice family planning, we could raise the standard of living and the status of women worldwide.

The U.N. Family Planning Agency really helps achieve one of those objectives. I hope that the U.S. Senate no longer intends to be a parliamentary linebacker, stopping us from participating with the United Nations in this most important global objective.

Mr. President, I think that summarizes my thinking on the subject.

I am happy to yield back the floor.

Mr. SIMON. Mr. President, will the Senator from Maryland yield?

Ms. MIKULSKI. I am happy to yield to the Senator from Illinois.

Mr. SIMON. First of all, I want to thank her for her comments and her willingness to lead on this head-on. There are 98 nations now contributing to the U.N. Population Fund. The Unit-

ed States used to be the main one. The whole question of abortion gets to be a complicated one in this area, but the fact is the U.S. population fund assistance has reduced the number of abortions around the world by providing family planning information.

Does it strike the Senator from Maryland to be somewhat inconsistent for the United States to be the wealthiest nation in the world and not to be one of the 98 nations that are helping these desperately poor people to get family planning information?

Ms. MIKULSKI. Absolutely. I think that we need to be a leader on this topic and enable those countries to really be able in a modern, contemporary, scientific way that recognizes tremendous cultural, ethnic, and religious diversity worldwide to come to grips with it. We need to get the information out, not only to world leaders, but we have to get it down to the village level. I think the United States should play an important role in that.

I think the women of the world would be grateful to the United States of America for something that enables them to make their own choices in how they want to plan their own futures.

Mr. SIMON. I thank the Senator from Maryland.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

SUPPORT OF UNFPA AMENDMENT

Mr. WIRTH. Mr. President, I rise to support the amendment of the Senator from Illinois [Mr. SIMON] to restore the U.S. contribution to the U.N. Population Fund.

This is a non-issue, Mr. President, and the fact that we are debating it once again is absurd. This is the world's finest international family planning organization. Because it has a minor program in China, the administration has for a number of years cut off funding to UNFPA. They do not punish China; they punish UNFPA.

This misdirected complaint about the Chinese Government's reported policy has destroyed what once was our proud history as the world's leader in international family planning programs.

Undoubtedly, we are going to hear a great deal during this debate about forced abortions and involuntary sterilization. I know we will hear about the family planning programs of China. These are smokescreens, Mr. President. On any number of occasions, the U.N. Population Fund has made it clear that it would not contribute United States funds to its meager activities in China.

In fact, for the next 5 years, UNFPA's program in China has been fully funded, so that is a moot point. Not a penny of United States funds provided for UNFPA will go toward the China program, not one cent. It has been stated over and over, ad nauseum.

As I pointed out 2 days ago, when we considered the MFN legislation, we are holding the UNFPA hostage over a perceived problem with the Chinese Government's population policy. That is why the Senator from Maryland and I offered an amendment to the MFN bill that would condition MFN status on presidential certification that the Chinese Government does not promote coercive abortion. That is what the opponents of this amendment are worried about. And if that is so, the opponents of this amendment should be directing their ire at the Government of China. If you think there is coercive abortion in China take it out on China.

UNFPA is the premier international family planning effort. It conducts programs in about 140 nations, concentrating on the 90 countries whose population will double in the next 30 years. This organization provides one-third of all international funding for family planning programs. Unfortunately, the rising demand for the family planning services offered by UNFPA exceed its resources.

Regrettably, Mr. President, the United States, which pushed for the founding of the U.N. Population Fund, has not provided funding to UNFPA for 6 years. We have withheld our population because a handful of people think that this organization participates in the management of the Chinese family planning program, which may or may not be coercive. I do not know whether they do or not, but that is irrelevant to the question of whether we should fund the U.N. population effort.

A quick look at the numbers shows just how preposterous an assertion it is to say that UNFPA helps manage the Chinese program.

Out of \$1 billion spent on family planning in China, the United Nations provides only 1 percent, or \$11 million, in funding. The Chinese Government spends some \$990 million; UNFPA spends \$10 million. It is absurd to believe that UNFPA is running the program in China.

We can also look at the staffing in China. There are more than 200,000 individuals participating in family planning in China, but UNFPA has only four staff members in all of China. How can this organization, which represents only a small fraction of the overall effort in China, be helping to manage the program.

Furthermore, UNFPA has not, does not, and will not provide abortions or abortion services in China or any other nation. The organization's official policy is "not to provide assistance for abortions, abortion services, or abor-

tion-related equipment and supplies as a method of family planning."

Despite a crystal clear policy against funding abortions or abortion services, we are not making a contribution to the Fund. In response to United States concerns, UNFPA has made repeated pledges that it would prevent any United States funds from being used in China. UNFPA has agreed to segregate and account for all U.S. funds. Indeed, UNFPA's programs in China are funded through 1994 so any United States contribution is guaranteed to be used outside that country. And yet the administration persists in withholding funds to this outstanding organization.

The most ironic aspect of this debate is that the programs offered by UNFPA are exactly the type of family planning programs that help reduce the need for abortion. As a major provider of maternal and child health and voluntary family planning services and information, UNFPA is a leader in reducing the number of abortions around the world. It is ironic that those who want to prevent abortion are blocking the very efforts needed to achieve that goal. Properly structured aggressive family planning programs prevent unwanted pregnancies. Simply put, family planning works; we all know that.

Therefore, we need to restore our contribution to the U.N. Population Fund and help the poorest of the poor around the world prevent unwanted pregnancies. We need to ask the administration to make some choices. If the administration objects to China's population programs, they should work with China, deny MFN benefits, or use other channels to express that objection. What we should not be doing is punishing a third party that has only four people in the country and provides about 1 percent of the funds for the program.

I hope that this amendment will help move us in that direction and I urge all of my colleagues to support it.

Mr. President, I ask unanimous consent that four documents entitled "Facts About the United Nations Population Fund," "Abortion and Foreign Aid," "Amendment Links MFN Status To Family Planning Fund," and "A President Beholden" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.N. Population Fund, April 1991] FACTS ABOUT THE UNITED NATIONS POPULATION FUND (UNFPA)

What is the United Nations Population Fund?
UNFPA is the largest multilateral provider of population and family planning assistance to the developing countries. The Fund was established in 1969 with strong encouragement from the United States. UNFPA is totally funded by voluntary contributions.

What is the scope of UNFPA operations?
In 1990, UNFPA provided support to 138 countries: 43 in Sub-Saharan Africa, 37 in Latin America and the Caribbean, 34 in Asia

and the Pacific, 16 in the Arab States of North Africa and the Middle East, and eight in Europe, including six in Eastern Europe. Approximately one-third of all population aid to developing countries goes through UNFPA. Since 1969, the Fund has provided a total of \$2.2 billion in population assistance to virtually all developing countries. The largest share goes to the most populous region, Asia, although Africa is receiving a growing proportion of UNFPA allocations. UNFPA assistance to all regions has continued to increase. The demand for population and family planning assistance from developing countries is increasing rapidly and far exceeds the availability of UNFPA funds.

What is the UNFPA policy on abortion?

UNFPA does not provide support, nor has it ever provided support, for abortions or abortion-related activities anywhere in the world. This is in line with the recommendation of the 1984 International Population Conference in Mexico, which was affirmed by the UNFPA Governing Council in 1985. The Council's decision states that it is "the policy of the Fund . . . not to provide assistance for abortions, abortion services, or abortion-related equipment and supplies as a method of family planning". Neither does the Fund promote or provide support for involuntary sterilization or any coercive practices.

Do UNFPA-supported projects have any impact on abortion rates?

As the provision of maternal and child health and voluntary family planning services and information is unquestionably the most effective means of preventing abortions, and as the greater part of UNFPA's assistance goes for projects in these areas, UNFPA should in fact be recognized as a significant factor in reducing the number of abortions in developing countries around the world.

What is the UNFPA stand on human rights?

All UNFPA funds are utilized in line with the human rights language that is included in all UNFPA country program documents. This language requires that all UNFPA-funded projects must be undertaken "in accordance with the principles and objectives of the World Population Plan of Action; that is, that population policies should be consistent with internationally and nationally recognized human rights of individual freedom, justice, and the survival of national, regional and minority groups; that respect for human life is basic to all human societies; and that all couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so".

Who contributes to UNFPA?

The Fund's major donors are: Japan, the Federal Republic of Germany, the Netherlands, Norway, Sweden, Finland, Denmark, Canada, the United Kingdom, Switzerland, and Italy. In 1990 there were 106 donors, most of them developing countries who wish to demonstrate their confidence in and support to the Fund. Contributions to UNFPA are voluntary, and are not part of the regular United Nations Budget. UNFPA's income (provisional) in 1990 totalled \$212.4 million, an increase of 13.9 per cent compared to 1989. From UNFPA's inception until 1985, the largest donor was the United States Government. However, the U.S. has not contributed to the Fund since 1985.

What are UNFPA's specific areas of assistance?

Nearly half of UNFPA assistance goes towards maternal and child health care and family planning. Another 18 per cent goes for

related information, education and communication. The Fund also provides support for population data collection and analysis, research on demographic and socio-economic relationships, policy formulation and evaluation, the status of women, and population and environment.

On what basis does UNFPA provide population and family planning assistance?

UNFPA uses a set of criteria to determine which developing countries are most in need of population assistance. The criteria are based on: national income, family size, population growth, infant mortality, rural population density, and literacy among women. There are 56 priority countries, and 31 of them are in Africa. More than 70 per cent of UNFPA assistance has gone to priority countries in recent years. The target is to reach 80 per cent by 1993.

Does UNFPA provide assistance to non-governmental organizations?

Over 10 per cent of UNFPA assistance goes to non-governmental organizations. UNFPA was among the first of the UN agencies to support national and international NGOs and to recognize the advantages of the NGOs special expertise, innovative approaches and grass-roots experience.

Does UNFPA monitor the projects it funds?

A strict accounting system, periodic audits, and monitoring and evaluation reports ensure that UNFPA funds are used only for the activities stated in project documents. UNFPA is held accountable to its Governing Council for every penny it receives in contributions, and for every penny it distributes in assistance.

To whom does UNFPA report? Who gives it directions?

UNFPA is a subsidiary organ of the United Nations General Assembly. UNFPA also reports to the Governing Council of the United Nations Development Program which is its immediate governing body, and receives over-all policy guidance from the United Nations Economic and Social Council. The United States is a member of the General Assembly, the Governing Council of UNDP, and the Economic and Social Council.

What is the UNFPA mandate?

UNFPA's mandate, established in 1973 by the Economic and Social Council of the United Nations, is to: (1) build the capacity to respond to needs in population and family planning; (2) promote awareness of population problems in both industrialized and developing countries and possible strategies to deal with these problems; (3) assist developing countries at their request, in dealing with their population problems in the forms and means best suited to the individual country's needs; (4) assume a leading role in the United Nations system in promoting population programs, and to co-ordinate projects supported by the Fund.

FACTS ON UNFPA AND CHINA

Does UNFPA participate in the management of the Chinese Government's population program?

UNFPA does not participate in the management of the China program. Assistance from UNFPA amounts to less than 1.1 per cent of the total cost of the China national program (estimated at about \$1 billion), and UNFPA has control only over UNFPA funds which are used for specific and stipulated purposes. As decided by the UNFPA Governing Council, UNFPA assistance for the period 1990-1994 can be used only for the following: (1) to provide better quality and more reliable contraceptives; (2) to extend maternal and child health care and family planning services to the 300 poorest counties

where infant mortality rates are highest; (3) to develop special income-generating and community development projects to improve the lives and status of women; (4) to strengthen information, education and communications activities, particularly at the grass-roots level and among young people; (5) to improve contraceptive and demographic research; and (6) to improve the status of certain groups in the society, such as the young and aged, women, and ethnic minorities.

How are UNFPA-funded projects in China administered?

Nearly all UNFPA assistance to China is administered ("executed", in UNFPA terminology) by other United Nations organizations and by international non-governmental organizations, which also provide technical assistance in their specific fields of expertise. Of the approximately \$16 million that has to date been allocated to projects in China for the period 1990-1994, ninety-nine percent goes to the executing agencies, and one percent to the Government of China. Among the executing agencies are the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Department of Technical Co-operation and Development (DTCD), and international non-governmental organizations.

What are some effects of the UNFPA assistance to China?

UNFPA-assisted projects have helped to prevent large numbers of unwanted pregnancies in China by making available safe and more effective contraceptives to replace less effective ones which had high failure rates. Three million improved IUDs are produced annually with UNFPA funding. The use of these three million IUDs would result in 324,000 fewer unwanted pregnancies. Fewer unwanted pregnancies result in fewer abortions. Another effect of UNFPA assistance has been the reduction of infant and maternal mortality rates. In UNFPA-assisted pilot areas, infant mortality rates have been reduced to between 12 and 20 infant deaths per thousand births, as against the national average of 32 infant deaths per 1,000 births for the period 1980-1985.

Does UNFPA support coercive activities in China?

UNFPA does not provide support for coercive activities in China or anywhere in the world. UNFPA funds are used only for specific purposes described in detail in comprehensive project documents, which are prepared according to UNFPA guidelines, which provide lists of the activities that can be funded by UNFPA.

Does UNFPA provide assistance for abortions in China?

UNFPA does not provide support for abortions or abortion-related activities in China or anywhere in the world.

[From the Washington Post, June 16, 1991]

ABORTION AND FOREIGN AID

In a pair of back-to-back votes this week, the House defeated two administration initiatives designed to restrict U.S. funding of population programs abroad. The actions are a reminder that there is strong opposition in Congress to cutting back on family planning efforts because of the connection with abortion. That has become more apparent since the Supreme Court's recent decision upholding restrictions on the use of federal money here at home. These House votes on the foreign aid authorization bill demonstrate that there is little support for hamstringing U.S. programs abroad, either.

This country was once the leading supporter of the United Nations Population Fund, providing 20 percent of that organization's budget. When he was the American representative at the U.N., and later, ambassador to China, President Bush was effusive in his praise of this international work. But in 1986 this country cut off all funds to the agency to protest U.N. assistance to population programs in China. While it is charged that the Chinese promote forced abortions and sterilizations and even encourage infanticide, the small U.N. program—one percent of its total grants—was only used for computers, demographic research and training programs.

The United States reprogrammed the money it used to contribute to the U.N. agency and spends it on other family planning programs abroad. But the bilateral assistance does not reach about 30 of the poorest countries—most of them in Africa—which used to be served by the international agency. The effect of the policy decision therefore was to diminish the funds available for these countries without hurting China in any way. The House has now voted, by the surprisingly wide margin of 234 to 188, to resume participation in the international program providing that no American funds go to China or are used so as to enable total assistance to China to be raised.

Then, on a vote of 222 to 200, the House also reversed the so-called Mexico City policy, which barred any nongovernment agency that provided any form of abortion service from participating in U.S.-funded family planning programs abroad. Thus, for example, charities operating in countries where abortion is legal could not receive U.S. assistance for a birth control clinic if information about abortion was also provided. The rule applied, as it does here, even if no U.S. money was used for any abortion-related service.

These victories on an authorization bill are encouraging and may be matched in the Senate, but there are still hurdles ahead. President Bush has threatened to veto any bill that lifts these restrictions. Perhaps he can be persuaded to review the worth of these programs he found so admirable 20 years ago. If not, the Supreme Court's action in validating similar restrictions at home should strengthen the resolve of the congressional majority to work its will.

[From Congressional Quarterly, June 15, 1991]

AMENDMENT LINKS MFN STATUS TO FAMILY PLANNING FUND

(By Carroll J. Doherty)

Anti-abortion House Republicans are facing a unique dilemma because Rep. David R. Obey has found a way to link the seemingly disparate issues of trade with China and funding for an international family planning agency.

If they back the president's request to grant preferential trade status to China, they also run the risk of aiding the United Nations Population Fund. For years, most Republicans have strongly opposed any U.S. funding for the U.N. agency, on the grounds that it supports China's policy of forced abortions.

Obey joined the subjects in an amendment to the fiscal 1992 foreign aid appropriations bill (HR 2621—H Rept 102-108). The \$15.3 billion spending measure was approved by the House Appropriations Committee by voice vote on June 12.

The Wisconsin Democrat, who chairs the Appropriations Subcommittee on Foreign

Operations, sardonically called his amendment the "Hypocrisy Reduction Act of 1991." It makes this connection: \$20 million would be provided for the U.N. family planning fund but only if Congress extends most-favored-nation (MFN) trade status to China. If MFN is denied, then no assistance would be provided for the fund.

The administration has been conducting an intensive lobbying campaign seeking congressional approval of MFN for China. At the same time, Bush has reiterated the Reagan administration policy of pledging to veto any bill that includes aid for the U.N. agency—because it operates in China.

Obey's subcommittee had approved \$20 million for the U.N. agency on May 29. At the full Appropriations Committee markup, Republican Vin Weber of Minnesota offered an amendment to strike the funding.

Instead, the committee supported Obey's substitute amendment, 30-19. He plans to offer a similar amendment to MFN legislation, conditioning preferred trade status on a certification by Bush that China does not have a policy of forced abortion. "If we're going to isolate China," Obey said, "we ought to isolate them across the board."

Weber conceded that linking the two issues could create problems for the administration as it tries to drum up Republican support for MFN status. "It cross-pressures a lot of Republicans," said Weber. "It would be hard for me not to support [Obey's amendment] on the floor."

Christopher H. Smith, R-N.J., perhaps the leading anti-abortion member of the House, agreed. Smith said that while he hesitated to bring the family planning dispute into the trade debate, Obey's amendment "will shed further light on the outrages of the Chinese [abortion] program."

Obey said he devised his strategy because the administration was inconsistent on China and reluctant to work toward passage of a foreign aid bill.

Describing the president as "at war with himself on this issue," Obey said, "The right-to-lifers are not being inconsistent, George Bush is."

Obey subsequently attempted to demonstrate his own consistency on China by supporting Smith's amendment to the fiscal 1992 foreign aid authorization bill (HR 2508), which would have stripped U.N. funding from that legislation. The amendment was rejected.

FLOOR FIGHT

Rep. Matthew F. McHugh, D-N.Y., predicted that the issue would again trigger contentious debate when the foreign aid spending bill is considered by the full House, probably during the week of June 17.

Aside from disputes over family planning, which have also bogged down the foreign aid authorization measures moving through both chambers, the appropriations process has been largely free of controversy.

Rep. Mickey Edwards, Okla., the ranking minority member of Obey's subcommittee, called the House appropriations measure "a good bill for where we are in the process."

The full committee endorsed, without debate, the bulk of the subcommittee's recommendations, including a \$504 million reduction in the administration's military assistance request for fiscal 1992. The subcommittee used that money to increase development and population aid and to provide \$1 billion for the Development Fund for Africa, \$200 million over the administration's request.

Under Secretary of State Lawrence S. Eagleburger sent a letter to committee

members warning that "we particularly oppose" the reduction in the administration's request for \$625 million in military aid for Turkey.

But the full committee followed the lead of the subcommittee, maintaining military aid for Turkey at its current level of \$500 million. In so doing, the panel followed congressional custom of approving \$7 in military aid for Greece for every \$10 provided for Turkey.

Some members expressed concerns over report language, approved by the panel, urging the president to detail the aid the West would provide in return for "meaningful concrete actions" by the Soviet Union in implementing political and economic reforms.

Rep. Steny H. Hoyer, D-Md., said he worried about the impact the proposal might have on the democracy-minded Baltic states. But Edwards insisted that the subcommittee did little more than recommend that the president consider providing aid "when the Soviet Union becomes one of us"—a Western-style democracy.

A PRESIDENT BEHOLDEN

(By Tom Wicker)

By vetoing the foreign aid appropriations bill, President Bush has made clear his blind fealty to the right-wing zealots who he fears will turn against him if he retreats an inch—even an imaginary inch—from his cruel stand against abortion.

His veto also makes it clear that he has closed his eyes and his mind to the political trend running against the anti-abortion position—a trend underlined once again by three changed votes in the Senate.

In vetoing, moreover, one item in a bill containing many, he has sabotaged many of his own political interests. Included in the appropriations bill, and going down with the veto, were aid for Israel and Egypt, the emergency assistance for Poland just promised to Lech Walesa, and support for the hard-pressed Government of El Salvador, to which the Bush Administration has committed itself. Only special legislation, if it can be had from an angered Congress, can restore these items.

So it's fair to ask: Is there no limit to what George Bush will do to placate the zealots peering over his shoulder?

Ironically, the bill he vetoed with such disastrous consequences did not contain even one dollar for abortion, in any country or under any circumstances. What produced Mr. Bush's veto was only \$15 million for the U.N. Population Fund, which devotes itself to badly needed family planning—not including abortion—to help stem the worldwide population explosion.

Once, the United States was properly a leader in pointing to the dangers of rising world population, which threatens to overwhelm economic growth and an already endangered environment. But under Ronald Reagan, as obsequious as Mr. Bush in the service of abortion extremists, U.S. aid to the U.N. fund was cut off, as well as any aid that might go to abortion services anywhere.

That left Washington in an untenable position. It could not maintain the strong position, much less the lead, against mushrooming population growth that it once had taken if it was unwilling to spend any money for that purpose. To put an end to that dilemma, and to restore the nation to its rightful role in the population effort, the Senate voted earlier this year to renew aid—the \$15 million—to the U.N. fund.

The fund, however, supports population programs in China, which authorizes abortion and sterilization—though none of the

U.N. money is spent for those purposes. To avoid the false charge that the \$15 million would support Chinese abortion services, even indirectly, the Senate provided that none of the U.S. money could be used to aid China; and that it must be kept in a separate account that Washington could audit at any time.

That did not satisfy anti-abortion fanatics to whom Mr. Bush listens; they charged that the \$15 million was abortion money. In the House, Representative Christopher Smith, Republican of New Jersey, proposed an amendment to leave it to the President to determine whether the \$15 million actually would be contributed to the U.N. Though that in effect gave Mr. Bush a line-item veto, the House voted 219 to 203 to accept the Smith amendment.

Proponents of family planning, notably the Population Institute in Washington, fought back; and the Senate, given another vote, defeated the Smith amendment, 52 to 44. Crucial help came from three changed conservative votes, cast by Senators Alan Simpson of Wyoming and Pete Wilson of California, Republicans, and John Shelby of Alabama, Democrat.

All had previously voted against the \$15 million. All must have been well aware of the November election returns in three states that gave evidence of the pro-choice trend in American politics. Senator Wilson, significantly, will be running for governor of California in 1990.

The House then reversed itself and killed the Smith amendment, 207 to 200. By voice vote, it also added the strong provision that if any U.S. money was spent for family planning in China, or for abortion-related services in any country, the entire contribution to the U.N. would have to be refunded.

Family planning advocates, with good reason, believed Mr. Bush had been left no grounds for a veto. But they reckoned without his puzzling and shortsighted belief that right-wing zealotry is the dominant political force in America. Ignoring the demonstrable need for worldwide family planning, he declared the accounting requirements unacceptable, asserted without evidence that the U.S. Population Fund previously had violated U.S. restrictions, and wielded his veto stamp.

Was that prudence? Kinder or gentler? No, it was just outrageous.

Mr. WIRTH. Mr. President, I thank the Senator very much for assuming the chair while I have the opportunity to speak on behalf of the amendment that he offered which is such an important amendment and one which ought to focus the attention of this body, focus the attention of Washington and of the U.S. Government and of the United States on our worldwide population responsibilities.

The United States, as the distinguished Chair understands and as the distinguished Senator from Maryland has stated so many times, used to be world leader in helping population programs. We established the first major population program in the United States. We established the first administrative organization to do so.

We had a line item in the budget developed in the mid-1970's. Mr. President, one of the leaders in that effort in the U.S. Congress was none other than a young Congressman from Texas

named George Bush. George Bush's statements on the subject of population, on the importance of the United States contributing to a worldwide population effort was well-known, well-publicized, and that was one of the very distinguished contributions that he made as a progressive Republican Congressman.

Unfortunately, since 1980, the winds of what I believe have been a significant amount of political opportunism have entered into this very important debate. The administration, the Reagan-Bush administration, and now the Bush-Quayle administration have moved 180 degrees in the opposite direction, unfortunately, making population, all linking it up with abortion issue, a political issue, and not assuming the responsibilities that the United States once so proudly held in leading the world on population issues.

The population of the world is becoming an enormous crisis. We are at 5.3 billion people now, Mr. President. As you well know, the projections are that if we do not take action in terms of concerted population planning programs, to allow women all over the world to make choices, to allow women all over the world to have the means of family planning, and work on the entitlement of women, the world's population will double within the next 35 or 40 or 50 years. We will get only to 11 billion people, but the childbearing cadre on the face of the globe will be so broad, there will be an inevitable process of moving up to 13 or 15 billion people.

If we believe that the United States' role in this is minimal—the rest of the world is looking to us for leadership. If we do not contribute, the rest of the world falls off. If we do not put our voices behind this, the rest of the world falls off.

This is a major foreign policy issue and responsibility for us. The United States must do this. Our national security clearly relates to the kinds of economic and political crises that are going to surround a vastly increased population. All we have to do is look at the Middle Eastern situation and understand that so much of that problem occurs because a great number of young people are brought into the world without opportunities. What is a young person there going to do, except look at the situation and say: I cannot do any worse than we are doing now. And you get enormous political instability.

We look at the Middle East, and we understand the enormous pressures being placed on water resources there. The next great crisis will not be over oil there, Mr. President. It is going to be over water, those overtaxed rivers, such as the Tigris, Euphrates, the Nile, with fantastic population pressures on them; that is a ticking time bomb.

If we believe there are problems around the world now, Mr. President, in providing opportunities to 5.3 billion people, what kind of resource pressures are there going to be with 10 billion, 11 billion, or 15 billion people? And do we expect that the people in this world are going to have the kinds of opportunities we would like to see them have?

We are stretched now in providing educational opportunities, housing opportunities, human rights dignity opportunities, job opportunities of all kinds; and the global environment is degrading very, very rapidly. Everybody knows that.

All of these issues surround the very important amendment offered by the distinguished Senator from Illinois. It is imperative that we adopt this amendment. It is imperative that we move as rapidly as possible to resume the leadership that the United States once held in this important field.

I am proud to be a cosponsor of the amendment, and I urge my colleagues to think not only about this amendment, but about how important this is as a symptom of a much broader set of issues.

I thank the distinguished occupant of the chair for his leadership on this issue, and I am pleased to be associated with him in this, as in so many other issues.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Colorado for a strong statement and one very consistent with statements he has made in the past on this floor on this subject. The Senator from Colorado has raised the human issues, the environmental issues, the sociological issues, over and over again in this body. Frankly, I wish more people would listen to him on this, because he speaks powerfully to the problem of overpopulation, as has the distinguished Senator from Maryland and the distinguished Senator from Illinois, who has offered this important amendment.

Mr. President, a year ago I spoke on this floor on another bill in support of a provision very similar to this one. It would have provided a U.S. contribution to the U.N. Population Fund.

A majority of Senators voted for it, but not enough to overcome a filibuster.

What has happened in the year since that vote? In that 1 year, the world's population has increased by 90 million people. To put that in perspective, in 1 year we have added to the world's population a number equal to the entire population of Mexico.

We know the world's population will double early in the next century. The only question today is whether we do anything to keep it from tripling—not

doubling, but tripling. Half a billion women—500 million women in this world, want family planning, and cannot get it. That is what this vote is all about.

For reasons that totally escape me, this amendment has been portrayed as a vote for or against abortion. It is not that at all. That is patently untrue.

The U.S. law, which this Senate has voted for, explicitly prohibits the use of any U.S. foreign aid funds for abortions. The amendment before us would not change that. It would not alter it in any way whatsoever. So those who would vote to deny family planning to those 500 million women around the world are wrong when they say this is a vote about abortion. This vote is about family planning for people who cannot get it.

The amendment would permit the United States to once again join an organization that we, the United States, helped to create 25 years ago. The U.N. Population Fund does not support abortion. It opposes abortion. It provides alternatives to abortion. It is a family planning organization. In fact it is the world's largest and most important family planning organization. It has programs in 140 countries.

Every dime of this money would go for contraceptives, and family planning commodities, so fewer people will resort to abortion. A strong argument can be made that this money would help prevent abortions. It would reduce the number of abortions worldwide by providing alternatives.

No money goes to China because of the reports of coercive abortions there. No one supports coercive practices. Yet despite those reports the administration still wants to give China most favored nation. The administration uses the bugaboo that because of the reports about China we are not going to support UNFPA's family planning programs anywhere in the world, but we will give China MFN. I am not sure I see a consistency in the White House position, but that is a different debate.

Again, we have carefully drafted this amendment to prevent any money from going to China.

Our assistance goes to the dozens of other countries whose populations are growing out of control, like India, Bangladesh, Mexico, and the Philippines. They are already overwhelmed by far more people than they can care for.

Why should we care about population growth in Latin America, Asia, and Africa? I might ask, what difference does it make to the United States?

Anyone who is concerned about the Earth's environment should vote for this amendment. Every major environmental problem today—deforestation, global warming, ozone depletion, water scarcity, loss of cropland, wetlands, and wildlife—they all trace to pressure from one source—overpopulation.

Anyone who is concerned about the stability of countries like Mexico, or

India, or the Philippines has to be concerned about exploding rates of population growth. Think of what life for the majority of people in those countries is today. It is already miserable by anybody's standards. Millions are illiterate and unemployed and, worse, without hope. Millions, tens of millions, hundreds of millions, are hungry. They are clamoring for a better life.

As life becomes worse in those countries the pressure will become unbearable on governments that are already weak and cannot begin to solve those problems. It is a recipe for more hunger, more poverty, and more violence.

Some argue we are already spending enough on family planning. The truth is we are spending less today than we were 6 years ago. In constant dollars we are at a 20-year low. It is not nearly enough to meet today's needs.

And by not supporting UNFPA, we are turning our backs on dozens of countries where we do not have our own family planning programs.

Mr. President, no Senator should make a mistake on this issue. This vote is not about abortion and it is not about China. It is about family planning to stem a population explosion that threatens this planet. The U.N. Population Fund has a record of sound management and effective programs, but we also know that its budget is stretched to the limit.

The United States should be second to none in supporting family planning. I hope all Senators will vote for this amendment. I hope all Senators will be honest about what this is.

It is a vote to do something to help stem overpopulation by getting family planning to the millions of women who are in need.

Mr. CRANSTON. Mr. President, I want to add my very strong support for the amendment that Senator SIMON has proposed that would restore the U.S. contribution to the United Nations population fund—a vital program which promotes voluntary family planning services in developing nations throughout the world.

The United States ought to be helping, not hindering, efforts to make voluntary family planning services available to the millions of women in developing countries who want contraceptives but cannot get them.

The continuing world population explosion poses a dire threat to world stability and economic development.

At one time, the United States was a leader in helping to provide family planning services to developing nations. We need to regain that role. I urge this amendment's adoption.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I might offer an amendment that I understand has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 828

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR], proposes an amendment numbered 828.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 143, after line 25, add the following:

(4) the unconditional recognition of the State of Israel.

Mr. SEYMOUR. Mr. President, I rise to offer an amendment to the Middle Eastern Arms Suppliers Regime Provision of S. 1435.

In this section of the bill, the Foreign Relations Committee calls upon the Secretary of State to convene a conference of government representatives from the United States, the Soviet Union, China, the United Kingdom, and France to devise methods for the control of the flow of conventional and unconventional weapons into the Middle East.

The subsection that I seek to amend urges the United States to foster regional arms control agreements. As it stands, this subsection includes the noble policy goal of "transforming the Middle East into a region free of ballistic missiles, chemical weapons, biological weapons, and nuclear weapons." It also instructs the United States to seek the "implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises by all nations in the Middle East."

My amendment would add another policy goal as a complement to the ones that I just listed.

It states that America, in order to provide incentives for regional arms control agreements, should explore with appropriate Middle Eastern States the unconditional recognition of the sovereignty of the Government of Israel.

I propose the addition of this line to the subsection because there is abso-

lutely no doubt that the recognition of Israel's right to exist on the part of all Arab nations would take away one of the most compelling incentives for the proliferation of conventional and unconventional arms in this turbulent area of the world.

If Arab governments finally cast aside the delusion that they might still drive the Israelis into the sea, they would have one less self-created enemy at which to point their tanks, aircraft, and ballistic missiles. They would have one more reason to reduce their awesome military expenditures and therefore conclude meaningful arms control agreements with Israel and among each other.

But to make this vision real Arab States must take the critical first step of recognizing Israel. They must take this step because no one can expect Israel or any other vulnerable country to negotiate treaties with governments still dedicated to her destruction.

As a result, Mr. President, the foreign aid authorization bill should reflect this critical link between the recognition of Israel and the successful control of regional weapons proliferation.

I urge all of my colleagues to support its adoption, and I thank the distinguished managers of the bill for their cooperation.

Mr. MCCONNELL. Mr. President, I commend the distinguished Senator from California for his excellent amendment and his contribution to the debate during consideration of the foreign aid bill.

Mr. SEYMOUR. I thank the Senator and I again thank both managers for their consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 828) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. SEYMOUR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I might offer an amendment that I understand has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 829

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 829.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. . POLICY ON COMBATTING INTERNATIONAL NARCOTICS TRAFFICKING.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Cesar Gaviria of Colombia, and the members of his Government, have made important progress in the war against international narcotics trafficking, most notably including the arrest and prosecution of the Medellin Cartel, and extensive programs in law enforcement cooperation and intelligence sharing with the United States.

(2) President Gaviria and the members of his Government have taken these initiatives at significant risk to their lives and the safety of their families.

(3) The Medellin and Cali Cartels are made up of the world's most ruthless drug lords and international terrorists responsible for the assassination of politicians, police officers, judges, journalists, and countless innocent persons in Colombia.

(4) Pablo Emilio Escobar Gaviria, the leader of the Medellin Cartel, one of the world's most wanted criminals, is responsible for thousands of narcotics-related deaths worldwide and the smuggling of millions of dollars worth of illegal drugs into the United States.

(5) Pablo Escobar and other leaders of the Medellin Cartel have surrendered to Colombian authorities in exchange for leniency and the guarantee that they will not be extradited to the United States;

(6) The Government of Colombia has demonstrated that the facility used to incarcerate Pablo Escobar is, in fact, a functioning prison and that they intend to isolate Pablo Escobar from directing any narcotics trafficking or other activities of the Medellin Cartel.

(7) the Colombian assembly has recently voted to bar extradition of Colombian nationals under the Colombian Constitution, and the other Andean nations are considering similar measures.

(8) Cooperative agreements between the United States and other nations are essential to our efforts to dismantle drug cartels and bring international drug kingpins to justice.

(b) POLICY.—It is the sense of the Congress that—

(1) the Government of Colombia should continue its efforts to dismantle the Medellin cartel;

(2) the Government of Colombia should continue to insure that Pablo Escobar and the other leaders of the Medellin Cartel are isolated from any international drug trafficking, money laundering, and other illegal activities.

(3) the Government of Colombia should show the same resolve in bringing the leaders of the Cali Cartel to justice:

(4) the United States should continue to support the Government of Colombia's efforts to eradicate the intimidation, bombings, kidnappings, murder, and other domestic violence associated with the narcotics trafficking in Colombia;

(5) though extradition of international drug kingpins would be an effective tool of justice, the United States, Colombia, and the other Andean nations nevertheless should continue to work for additional cooperative agreements to combat narcotics traffickers;

(6) the President should assess the progress of the government of Colombia in implementing each of the criterion pursuant to (1), (2), (3), and (5) in making his March 1992 certification of Colombia's full cooperation with the United States on controlling international narcotics trafficking and distribution.

Mr. SEYMOUR. Mr. President, the amendment I have at the desk expresses the sense of the Congress that the Government of Colombia, as well as the governments of the other Andean nations, should work with the United States to form additional, cooperative efforts to combat international narcotics trafficking.

I am sure we can all agree that narcotics trafficking continues to remain one of the most pressing issues facing the international community. It stifles the health of the global economy, strikes at communities struggling to keep their streets safe and forever scars the future of millions of children born of addicted mothers.

To succeed, we must continue to work to dismantle the very organizations that grow and profit from this deadly and destructive industry. And that includes efforts on the part of all nations to bring international drug kingpins to full justice.

One of the most ruthless of these international narco-lords is Pablo Emilio Escobar Gaviria—leader of one of the world's leading drug organizations, the Medellin cartel. This band of brutal killers is responsible for the assassination of hundreds of politicians, police officers, judges, and journalists in Colombia. These outlaws have shown no limit to the level of intimidation and violence they inflict on anyone who stands in their way. They are hoodlums, with no regard for human life or the rules that govern a civilized society. They make Capone's cronies of the Roaring '20's look like Boy Scouts.

Just as shocking is the tremendous financial success Escobar has achieved. Just look at the recent, July 22 issue of Forbes magazine, which contained an article on the world's billionaires. Listed among some of the world's leading innovative entrepreneurs is Escobar, whose wealth is estimated at more than \$2 billion. Forbes tersely listed Escobar's occupation as cocaine scourge—a succinct but incomplete description of this infamous drug boss. Forbes' writers could have easily listed him as money launderer, murderer, or even terrorist.

President Cesar Gaviria of Colombia and the members of his government

have made a heroic effort—at significant risk to their lives and the safety of their families—to break down the Medellín cartel. And success may be imminent. Last month, Pablo Escobar and other leaders of the Medellín cartel have surrendered to Colombian authorities in a plea bargain arrangement that guaranteed that they would not be extradited to the United States.

Many who have followed the Gaviria government's war against the Medellín cartel, including the members of the news media, have been skeptical of Escobar's surrender. Some members of the media have reported that the jail where Escobar is now serving time is more palace than prison—a virtual Club Escobar if you will. However, President Gaviria has given us his assurance that this is indeed a prison and that they intend to keep him there and prevent him and his fellow prisoners from controlling any future activities of the Medellín cartel. President Gaviria extended offers to any and all ambassadors to Colombia, as well as the members of the media, to tour the facility used to incarcerate Escobar, to see for themselves if this structure rivals a five-star hotel.

I commend President Gaviria for his resolve to dismantle the Medellín cartel that has for too long plagued his country and many others of illegal drugs and naked violence. It is my hope that he will show equal resolve and take necessary action against members of the Cali cartel—the Medellín's rival drug gang. The Cali cartel is now the world's top producer of cocaine and provides 70 percent of the cocaine reaching the United States today. It is the most professional and powerful criminal organization the world has ever seen, and destroying this illicit organization must be the top priority of the international law enforcement community.

The United States has long advocated the position that extradition of international drug kingpins is an important component in an international fight against these narcotics cartels. However, the Colombian assembly has recently voted to ban the extradition of Colombian nationals. This action by the Assembly was prompted by the government's desire to bring an end to the violence and bloodshed that was taking place on their streets. Other Andean nations are expected to follow Colombia's example by banning extradition of their own citizens.

Though I believe that extradition can be an effective tool, especially to help countries whose judicial systems have been rendered ineffective by the narcotics cartels, I believe we should respect the decisions of these sovereign nations. However, prohibitions on extradition require that additional and more extensive cooperative efforts between the United States and the Andean nations must be achieved, and I am

pleased to report that President Gaviria has begun to work with our President to take additional steps to improve our cooperative antitrafficking efforts. It is vital that the world community cooperate to dismantle the drug cartels and bring international drug kingpins to full justice.

Mr. President, my amendment states that it is the sense of the Congress that the Gaviria administration should be commended for their efforts to crack down against drugs, and that the Andean nations should follow Colombia's example. It also states that absent extradition, the United States must forge additional cooperative agreements with these countries. Only then, can we expect that the Medellín and Cali cartels will not represent a community of narco-traffickers, narco-money launderers, or narco-terrorists, but a band of life-long prisoners.

I hope my colleagues will join me in supporting this resolution and send a message to the international drug barons around the world that the international community will not stand on the sidelines and allow them to escape the heavy hand of justice.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 829) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, once again, I commend the Senator from California for his excellent amendment and thank him for his contribution to this debate.

Mr. SEYMOUR. I thank the Senator. I appreciate the cooperation of both managers on the acceptance of this amendment.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

AMENDMENT NO. 827

Mr. ADAMS. Mr. President, I rise in support of the second-degree amendment that has been offered by Senator SIMON. I think this is an excellent amendment, and I hope that it will be agreed to with a very large vote today by my colleagues.

Mr. President, if current birth and death rates hold, the world's 5.3 billion

population will double again in only 39 years. This is a staggering increase and one which the Earth and its resources are ill-prepared to bear. More important, it is predicted that 94 percent of all population growth in the next decade will occur in developing countries: That is, in that part of the world least able to handle it, politically, economically, environmentally and, of course, being able to simply feed this population.

Population assistance is, arguably, one of the most effective and important aspects of the foreign aid program. Yet, ever since the enactment of the so-called Mexico City policy in 1984, United States population funds have been progressively restricted by those not wishing any United States money to go to organizations engaged in abortion counseling or abortion-related activities. Although the focus of the Reagan administration policy initially was to end family planning assistance to China because of that nation's coercive abortion program, the ripples of that policy have curtailed United States family planning funding worldwide. For example, the United States has made no contribution to the U.N. Fund for Population Activities [UNFPA] for several years simply because it operates in China.

These restrictions have been maintained even when the organization has provided assurances that no U.S. funding would be used for abortion-related activities. I want to stress that, Mr. President. This program of assisting people with family planning is being stopped because people say it has abortion-related activities. This is not so.

Moreover, these restrictions have been imposed on assistance to international institutions, such as the UNFPA, while aid to governments carries none of the same constraints.

For these reasons, I commend the legislation before us for its repeal of the Mexico City policy, and I rise in support of the amendment offered by Senators SIMON and MIKULSKI to restore U.S. funding of UNFPA.

This amendment would authorize \$20 million. And I think this amendment that does authorize \$20 million is in the best interest of the United States. I want to stress again, it will be used solely for the provision of contraceptives and to be held in a separate account by all recipients to prevent commingling of funds and their possible use contrary to U.S. law.

The amendment further prohibits the use of any authorized funds in China. So there is a double protection for those who are concerned that this has anything at all to do with abortion.

Mr. President, the provisions of this amendment will allow the United States the opportunity to regain lost ground in the international family planning area, while also contributing to the health of the world and to the conservation of its natural resources.

Mr. President, we simply cannot continue to have more and more people and fewer and fewer resources and not expect the famines, the hunger, the starvation in some portions of the world that are occurring. I urge my colleagues to support the Simon amendment, and I hope that it will be adopted. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I simply want to commend my colleague from Washington for his continuing interest in this area. The reality is there are hundreds of millions of women around the face of the Earth who are desperate for family planning information. By providing it, we reduce the number of abortions, and we can increase their standard of living. My hope is the Senate will follow the sound advice of our colleague from Washington and move ahead favorably on this amendment.

Mr. ADAMS. If the Senator will yield, I thank the Senator for offering this amendment. Many of us are in support of it. It is terribly important. For the long-range health and for the long-range stability of the world, this amendment should be adopted. I thank the Senator for having offered it and for his kind remarks to me.

Mr. SIMON. I thank my colleague from Washington, again.

Mr. President, if no one seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 830

(Purpose: To set guidelines for international training assistance)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair advises the Senator from Florida that there are two amendments pending, either of which could, by unanimous consent, be temporarily laid aside.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the two pending amendments be set aside for purposes of immediately considering the amendment which I have offered.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment of the Senator from Florida.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 830.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 9 and 10, insert the following:

SEC. 216. INTERNATIONAL TRAINING ASSISTANCE.

(a) Of the funds made available under part I of the Foreign Assistance Act of 1961, the Agency for International Development ("the Agency") is encouraged to maintain funding for United States training at a level equal to or greater than the fiscal year 1990 level.

(b) The Agency shall develop comprehensive programs for the awarding of scholarships for the completion of a bachelor's degree in fields of study designed to enhance business, commercial, and other linkages between the sending country and the state in which the student studies. These programs shall demonstrate an appreciation for the free enterprise system and democratic institutions.

(c) To fulfill the goals of subsection (b), the Agency or its contracting agents shall endeavor to place students with scholarships in States in which the following criteria are met:

(1) An international coordinating office exists and reports directly to the top State education or commerce official or to the Governor.

(2) State funds, either in cash, tuition remittance, other services, or collected private donations, match a minimum of 33 percent of the total program costs.

(d) The Agency shall collaborate with States seeking to develop international coordinating offices which meet the criteria established under subsections (c)(1) and (c)(2).

(e) The Agency is authorized to provide one-time start-up funding to such State offices not to exceed \$250,000 for each office, to be used for salaries, program administration, and follow-on activities, subject to the following restrictions:

(1) Funds made available by the Agency shall not exceed 50 percent of salary costs.

(2) Funds of the Agency which are allocated for administrative costs shall not be used for tuition.

(f) AID is encouraged to develop an incentive program to increase the number of students placed in states which have international coordinating offices which comply with the criteria established under subsection (c).

(g) To the maximum extent feasible, all missions of the Agency in Caribbean Basin and Andean countries shall establish or maintain scholarship programs that follow the criteria established for the Caribbean and Latin American Scholarship Program (CLASP).

Mr. GRAHAM. Mr. President, this amendment offers us an opportunity to redemonstrate congressional support for actions which are already underway through agencies such as the Agency for International Development relative to expanded training opportunities for students from countries in Central America and the Caribbean to study in the United States.

In 1984, the Kissinger Commission, in its report on the future of Central America, recommended that the United States as an important part of a re-

gional strategy dramatically increase the number of scholarships awarded to Caribbean and Central American students for study in the United States. The commission set a goal in 1984 that by 1992 there should be 10,000 students from that region of the world studying in the United States. We have made substantial progress towards that goal.

The amendment which I offer would further that, Mr. President. It would further it in the following manner. One, it would do so by giving a special target to young people who will be the future leaders of these countries. These young people who will be studying for undergraduate and graduate degrees will be the next generation of economic, political, academic, and cultural leaders in these countries.

We recommend under this amendment that a priority be given on a 50-50 basis to 4- to 6-year university scholarships, as well as 2- to 4-year vocational technical scholarships.

Second, we recommend that there be a major emphasis on those areas that will help to build long-term north-south relationships. We know that through the President's Enterprise for the Americas, as well as other initiatives, that the United States is expanding its economic interests in the hemisphere.

One of the orientations of this amendment will be to encourage the training of those young men and women who will assist in the developing of those economic linkages north and south.

Third, Mr. President, this builds on programs which have been proven successful in which there is a partnership, a partnership which includes the Federal Government, State governments, and the private sector. We propose under this amendment that the States be a key part of organizing for the delivery of this educational assistance, and that the States commit at least one-third of the cost toward this program.

A number of our States, including my own, including the State of the Presiding Officer, the States of Wisconsin, Oregon, have been active in such programs.

The purpose of this is to encourage an expansion of those programs that have already been proven successful, a focusing in this new economic era, north and south, and encouragement to other States to join in this important U.S. initiative.

Mr. President, the amendment has been discussed with the chairman of the Foreign Relations Committee and the ranking minority member. I believe they are prepared to accept the amendment. I ask for its immediate consideration.

Mr. PELL. Mr. President, the Senator from Florida is correct. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment? If

not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 830) was agreed to.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the pending amendments be set aside so that I might introduce an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 831

Mr. LIEBERMAN. Mr. President, I have an amendment which I will send to the desk in a few moments which I believe will help to focus our foreign aid programs and at the same time guarantee that American companies, the American economy, is benefitting from those programs.

This amendment would help our exporters compete against foreign companies that are supported by their governments by creating a Capital Projects Office within the Private Enterprise Bureau at the Agency for International Development.

Mr. President, as you know well, exports remain crucial to our Nation's economic growth. Throughout the present session, the one bright spot in our economy has been trade. Our exports have literally kept our economy afloat. I can tell you that is particularly true of my home State of Connecticut, as an example. In 1990 alone, State exports grew by nearly 18 percent. Exports provided 84,000 manufacturing jobs in our State and another 63,000 jobs in firms that are dependent on exporting.

But the problem for exporters in Connecticut and throughout the country is how to remain competitive against increasingly stiff foreign competition. It used to come primarily from Germany and Japan but that is no longer the case. Today the other dynamic Asian economies of Korea, Taiwan, Hong Kong, Singapore are competing for global markets. As Europe is approaching 1992 in the final stages of European unity, the European Community is rapidly becoming a more potent economic force.

Mr. President, it is not the role of the Federal Government to solve all the problems confronting our exporters, but it is our responsibility to make sure that our companies do not lose out in competing for foreign contracts because our Government does not give them the same support that foreign governments give their companies.

The fact is that the lack of American governmental support for American exporters has caused them to lose out to their competitors' invaluable overseas markets. And what that means is a loss of jobs at home.

I want to quote from Ambassador Ernie Preeg, a former chief economist at AID and one of the foremost experts on this issue of capital goods transactions. He has said:

*** current market for capital goods transactions *** which is inaccessible to U.S. exporters because of other governments, is \$10 to \$12 billion per year, resulting in an estimated \$2.4 to \$4.8 billion annual loss to U.S. exports. Future U.S. export loss in high-growth developing country markets could be far greater.

That is where this idea of a Capital Projects Bureau comes in. Mr. President, capital projects are those projects that are integral to building a nation's infrastructure, projects relating to telecommunications, transportation, environmental management, and the building of power systems.

Those are just the kinds of projects that advance the developing nations, and which the newly free and developing nations of Eastern Europe are going to need. But they are also critical to our ability to compete and sustain ourselves as an economy. For those foreign countries, the lack of a sophisticated infrastructure means that they cannot develop an adequate market, and therefore cannot prosper.

This amendment and the one to follow, which will be proposed by Senators BOREN, BENTSEN, and BYRD and others is really about one thing; that is, to use foreign aid to help not only the recipient nation, but also to benefit the American economy by emphasizing capital projects in our foreign aid programs.

When AID funds a capital project in a developing nation, then that means that American products are going to be used in the building of that project. It is as simple as that. Our representatives from AID will consult with the leaders of a host country, will determine what their capital projects needs are, and then we can bring funding to bear to support those needs and then those projects will be carried out with American goods, with American services, creating jobs here at home.

For instance, if AID should fund a road in Indonesia, American manufacturers of heavy machinery will sell their equipment to the Government of Indonesia to help in the building of that road. Our engineers can help design it as well. Our AID dollars will therefore be used to help create jobs back here at home.

Traditional development projects are not often capital intensive, which means that there is less of an opportunity for our exporters to sell their capital products, such as heavy equipment, than there would be if we focus on infrastructure development programs.

Capital projects in foreign countries are key to American companies. Just ask the National Association of Manufacturers about capital projects, or the companies that belong to the Coalition for Employment Through Exports, or the U.S. Chamber of Commerce. They all understand that capital projects abroad mean jobs back home. That is a

good arrangement for everyone concerned.

In order to achieve that goal of "jobs at home and development," this amendment puts special emphasis on AID as a source of funding for capital projects by establishing this Capital Projects Office. The bureau through the office would work with the other AID bureaus in putting together capital projects that are developmentally sound but also beneficial to our exporters. I want to stress that within the office there would be a special program for Eastern Europe, which would initially conduct a study of the various sectors of the economies of the nations of Eastern Europe that are most in need of rebuilding, and those sectors would become eligible for AID assistance.

Mr. President, this amendment seeks to build on work that has already been done by AID, to expand it, and to improve its importance. We do not emphasize nearly enough capital projects as part of our foreign assistance programs. We certainly do not emphasize them as much as our fellow members of the Group of Seven. We tend to stress basic developmental assistance much more than others.

For example, over 60 percent of the bilateral foreign aid from Japan and Italy involves capital projects. For the United States, the number is only 14 percent. I am not saying that we should not continue to include humanitarian assistance as part of our foreign aid programs. But capital projects are good for development and American exporters; they are good for the foreign countries, and they are good for America. And that is why there is no reason for us not to be doing more of these projects.

AID has been working hard to get more involved with capital projects. Average AID spending for the last few years on capital projects has been between \$500 million and \$600 million. Unfortunately, projections for this year fell below \$500 million to about \$420 million.

We need to offer more support for capital projects and the establishment of this kind of bureau within AID. If we do not institutionalize support for these projects in this way, and if we do not put in place a tight AID Program with real financial support behind it, our exporters are going to lose markets, and we are going to lose jobs at home.

Mr. President, in a recent study on aid to the Philippines, Ambassador Preeg summarized the related problem of how we view our foreign aid programs in this way:

The central issue for U.S. foreign economic assistance *** is how to reconcile short-term foreign policy objectives with longer term support for development and strengthened economic relations with developing countries. A case is made (in his study) to separate the two more clearly, and to place

greater emphasis on the economic dimension.

That is exactly what this amendment would do.

Mr. President, we all know that America needs, once again, to take control of its economic destiny. We have been falling behind. One critical part of that seizing of our economic destiny, again, is to eliminate the trade deficit.

We cannot do that, unless we support our exporters more than we have been. This amendment, I respectfully submit, is one good way to do that.

AMENDMENT NO. 831

(Purpose: To require the establishment of a Capital Projects Office within the Agency for International Development, and for other purposes)

Mr. LIEBERMAN. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. DODD, proposes an amendment numbered 831.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 234, after line 24, add the following new title:

TITLE XIII—TRADE AND COMPETITIVENESS ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Aid, Trade, and Competitiveness Act of 1991".

SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) United States exporters are shut out of \$10 billion to \$12 billion worth of capital projects per year because of inadequate government support for our exporters, resulting in a loss of \$2.4 billion to \$4.8 billion in exports;

(2) in contrast, foreign governments actively support their nations' companies by providing a large share of their economic aid for capital projects;

(3) the Federal Government must be more aggressive in helping American exporters;

(4) the Federal Government must strengthen assistance and financing programs already in existence in the Export-Import Bank of the United States, the Agency for International Development (AID), and the Trade Development Program, fostering more and consistent cooperation between these agencies and establishing new programs at these agencies where necessary; and

(6) traditional development aid programs for health, education, and agriculture should not suffer as a result of the new aggressive tied-aid policy.

SEC. 1303. CAPITAL PROJECTS OFFICE WITHIN AID.

(a) ESTABLISHMENT OF OFFICE.—The Administrator of the Agency for International Development (AID) shall establish within the Bureau for Private Enterprise of the Agency a capital projects office to carry out the purposes described in subsection (b).

(b) PURPOSES OF OFFICE.—The purposes referred to in subsection (a) are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration the expert opportunities of United States firms; and

(2) to specifically consider opportunities for United States high-technology firms, including small- and medium-sized firms in putting together capital projects for developing nations and the nations of Eastern Europe.

(c) ACTIVITIES OF AID.—The Administrator of the Agency for International Development (AID), acting through the capital projects office in coordination as appropriate with the Export-Import Bank of the United States—

(1) shall put together capital projects in advanced developing nations and Eastern Europe;

(2) shall periodically review infrastructure needs in developing nations and Eastern Europe and shall explore commercial opportunities for United States firms in the development of new capital projects in these nations keeping both United States firms and Congress informed of these reviews;

(3) shall determine whether each capital project undertaken is developmentally sound, as set forth in the criteria developed by the Development Assistance Committee of the OECD;

(4) shall coordinate its activities with other AID offices, particularly the regional bureaus, working with each AID country representative in developing capital projects and commercial opportunities for United States firms in a manner which in no way interferes with the primary mission to help these nations with traditional projects; and

(5) shall coordinate where appropriate funds available to AID for "tied-aid" purposes.

SEC. 1304. ROLE OF THE CAPITAL PROJECTS OFFICE IN EASTERN EUROPE.

In addition to the activities of section 1303(c), the Administrator of the Agency for International Development, acting through the capital projects office—

(1) shall play a special role in helping to develop the infrastructure of the nations of Eastern Europe by meeting the challenge of infrastructure assistance provided by foreign governments to the nations of Eastern Europe;

(2) shall undertake a comprehensive study of the infrastructure of the various nations of Eastern Europe which shall:

(A) identify those sectors in the economies of these nations that are most in need of rebuilding;

(B) those sectors in those nations could through assistance identified in paragraph (A) develop strategies to assist such sectors from the capital projects office of the Agency for International Development, including joint projects of the Export-Import Bank of the United States and the Agency for International Development; and

(C) the state of technology in these nations and the opportunity for United States high technology firms to help develop a technological infrastructure in these nations, as well as an assessment of export opportunities for United States high technology companies; and

(3) upon completion of the study on Eastern Europe, shall establish an Eastern Europe program within the capital projects office of the Agency for International Development which—

(A) shall monitor the infrastructure needs of these nations;

(B) shall continue to help United States companies with their efforts to be a part of

the rebuilding of the infrastructure of these nations;

(C) shall make a special effort to help United States high technology firms explore opportunities with the rebuilding of these nations' technological infrastructures;

(D) shall be able to make use of all existing programs of the Agency for International Development; and

(E) shall have in-country representation in Eastern Europe that is assigned duties respecting that country or region.

SEC. 1305. CAPITAL PROJECTS INTERAGENCY BOARD.

(a) ESTABLISHMENT.—There is established the Capital Projects Interagency Board (hereafter in this section referred to as the "Board").

(b) COMPOSITION.—The Board shall consist of the following officers or their designees:

(1) The Administrator of the Agency for International Development, who shall serve as Chairman.

(2) The President of the Export-Import Bank of the United States.

(3) The Director of the Trade and Development Agency.

(4) The Secretary of State, as a nonvoting member.

(5) The Secretary of Commerce, as a nonvoting member.

(c) STAFF FOR THE BOARD.—The Agency for International Development, the Export-Import Bank, and the Trade and Development Program shall make available to the Board such staff as may be necessary for the Board to carry out its duties.

(d) DUTIES OF THE BOARD.—The Board shall—

(1) coordinate the development of a strategic approach to the support of capital projects among the agencies represented on the Board, including:

(A) how developmentally sound a project is, using as a standard criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(B) the environmental impact of a project; and

(C) where appropriate the cofinancing of capital projects among voting "Board" members.

(e) REPORT.—Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the Board established under subsection (a) shall submit to the Congress a report describing—

(1) the extent to which United States Government resources have been expended specifically to support capital projects;

(2) the extent to which the activities of the United States agencies described in subsection (b) have been coordinated; and

(3) the extent to which United States Government capital projects and tied-aid programs have affected United States exports.

SEC. 1306. NEGOTIATIONS OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

If a new agreement within the Organization for Economic Cooperation and Development (OECD) has not been reached by December 31, 1991, that meets the objective of reducing the levels of concessional financing by member countries of the OECD other than the United States, the Secretary of the Treasury, together with the President of the Export-Import Bank of the United States, shall submit a report to Congress on the status of the negotiations, including an analysis of the negotiations since 1987, the causes for the failure to reach an agreement by that date, and reasons the United States Govern-

ment believes that continued negotiation will result in achieving the above mentioned objective.

SEC. 1307. FUNDING.

There are authorized to be appropriated such funds as are necessary to carry out the purposes of this title.

SEC. 1308. DEFINITIONS.

For purposes of this title—

(1) the term "capital projects" means projects for economic infrastructure in sectors such as construction, environmental protection, mining, power and energy, telecommunications, transportation, or water management; and

(2) the term "tied-aid credit" has the meaning given to such term in section 15(h)(1) of the Export-Import Bank Act of 1945.

AMENDMENT NO. 832 TO AMENDMENT NO. 831

(Purpose: To provide funding for capital projects and for other purposes)

Mr. BOREN. Mr. President, I have an amendment offered in the second degree to the pending amendment, which I send to the desk on behalf of myself and Senators BENTSEN, BYRD, HEFLIN, BAUCUS, DOLE, HATCH, LIEBERMAN, WALLOP, and NICKLES, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. BENTSEN, Mr. BYRD, Mr. HEFLIN, Mr. BAUCUS, Mr. DOLE, Mr. HATCH, Mr. LIEBERMAN, Mr. WALLOP, and Mr. NICKLES proposes an amendment numbered 832 to amendment No. 831.

Mr. BOREN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 1307 of the amendment and insert in lieu thereof the following:

SEC. 1307. CAPITAL PROJECTS FUNDING; CASH TRANSFER REDUCTION; RESTRICTION ON WAIVERS.

(a) CAPITAL PROJECTS.—

(1) Of the total amounts authorized to be appropriated to the President for fiscal years 1992 and 1993 to carry out title III and subchapter A of chapter 1 and subchapter A of chapter 3 of title VI of this Act, and any amendments made thereby, there are authorized to be available \$750,000,000 for fiscal year 1992 and \$1,000,000,000 for fiscal year 1993 for capital projects. Such funds shall be in the form of grants for the construction, design, or servicing of developmentally sound capital projects.

(2) Such grants may be combined with financing offered by private financial entities or other entities.

(3) Pursuant to section 604(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2354(a)), funds allocated under this section may be used only for procurement of United States goods and services.

(4) Not later than January 1, 1992, the President shall submit a report to the Congress on the feasibility of allowing the Agency for International Development to offer credit guarantees for the financing of capital projects.

(b) CASH TRANSFER REDUCTION.—

(1) Notwithstanding any other provision of law, for each of the following fiscal years,

cash transfers of economic support fund assistance shall not represent more than the corresponding percentage of total Economic Support Funds:

(A) For fiscal year 1992, 60 percent.

(B) For fiscal year 1993, 50 percent.

(2) Any reduction in cash transfer assistance required by this section shall not be made out of funds otherwise used for purchase of United States goods and services or for the repayment of debt arising out of obligations owed to or guaranteed by the United States Treasury.

(3) The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or for the repayment of debt owed to or guaranteed by the United States Treasury, and the degree to which recipients of cash payment assistance are required to or in fact use such assistance to purchase United States goods and services.

(4) Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (3).

(c) RESTRICTIONS ON WAIVERS.—Section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354) is amended by adding at the end thereof the following new subsection:

"(h)(1) In determining the authorized geographic code for the purchase of goods and services, the Administrator of the agency primarily responsible for carrying out part I of this Act shall not grant any waivers from Geographic Code 000 (United States only) except for the following reasons:

"(A) The good or service is not available from countries or areas included in the authorized geographic code.

"(B) An emergency requirement can be met in time only from suppliers in a country or area not included in the authorized geographic code.

"(C) For project assistance only, when Geographic Code 000 is authorized and the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from a country or area included in Geographic Area 941, a waiver to Geographic Area 941 may be granted.

"(D) For nonproject assistance, an acute shortage exists in the United States for a commodity generally available elsewhere.

"(2) In considering whether to grant any waiver permitted under paragraph (1), the Administrator shall first determine whether the good or service to be procured under the waiver could be imported lawfully into the United States.

"(3) The Administrator of the Agency for International Development shall report annually to Congress on the number of waivers described in paragraph (1) which were granted in the previous fiscal year, the corresponding value of goods and services which were covered under such waivers, a breakdown of the waivers by region and country, and an explanation of the reasons given for such waivers."

Mr. BOREN. Mr. President, the amendment I have just sent to the desk on behalf of myself and my colleagues would begin to make a fundamental change in the way foreign aid is now

given by the United States. All of us understand that we are now in a new world situation. More and more leadership in the world is going to be determined as much by economic strength, if not more, than by military strength alone. We must adjust to the change in conditions in the world.

It would be a mistake today for us to fail to change with all of the changes that have been going on in the world around us. We have only a few short years to prepare ourselves to develop those assets which are going to be necessary for continued world leadership for the next generation in this country.

Things have changed since the beginning of the cold war, after World War II. In 1950, this country had 9 to 10 of the largest banks in the world. Today, we do not have any of the top 20. In 1950, we had a 68-percent share of the world's market. We are now fighting to hold onto an 18-percent share. We had an overwhelming share of the value of the world's assets, more than 70 percent. We had the highest per capita income in the world. Now several other nations rank far ahead of the United States.

It is clear that if the United States is to lead the world and play an influential position in world affairs in the next century, we must begin to rebuild the economic strength of this country.

In doing that, Mr. President, we must use every tool and every program at our disposal, including our foreign aid programs.

This is a compassionate country. We are proud of the way in which we have reached out to other nations to help them with their needs, basic human needs, and the development of their own economies, to help them have higher standards of living in the future, improve economic conditions that lead to political and social stability that are to the benefit of all of us. Because we occupy this globe together, we have come to understand that the well-being and stability of other nations is directly related to our own. So, as has no other nation in the history of the world, the United States has reached out to help others.

In the post-World-War-II period, through the Marshall plan and other programs, we literally rebuilt the economic and social strength of those countries that had been our adversaries in that world conflict. We must now reassess the manner in which we give our foreign aid, because clearly other countries around the world have reassessed the way in which they give theirs.

Not too many weeks ago, I had the opportunity to visit with leaders in Eastern Europe and to observe what is going on there. Billions of dollars of economic assistance and foreign aid have come into the new democracies of Eastern Europe.

All of us want to reach out and help those countries. But the way in which

other countries have responded to their needs—and I use Eastern Europe as but one example—is very different to the way the United States responds to their needs.

When we send our billions of dollars overseas to help the world, how do we send it? It is in the form of cash. Ninety-plus percent of our aid virtually goes out without strings attached. Only 8 percent of the foreign aid of the United States, economic assistance of the United States in this past year, went out with strings attached in the form of spending on capital projects that would require the purchase of American goods with the funds which are being provided. Sixty percent went out directly in fiscal year 1990 in the form of cash; and in fiscal year 1991, 63 percent. And, if we do not act, in fiscal year 1992, it is projected to be 68 percent, in the form of cash.

So we go into an area, for example, like Eastern Europe, and we give cash to try to be helpful. What do other countries that are helping that region do? For example, Japan; of the money that has been put into Eastern Europe by them, 99 percent of it is not in the form of cash; it is in the form of credits, credits that can only be used to buy products produced in Japan with jobs in Japan. What is the situation with Germany and its aid to Eastern Europe? Ninety-seven percent, not in the form of cash, but in the form of credits, that can be used only to buy products produced in Germany.

In other words, the United States is going around the world handing out cash, and many times other countries that receive our cash take the cash given by the American taxpayers and buy the products of countries competing with us for jobs in their home countries.

It is estimated that we have been losing \$5 billion a year in sales of American products produced by American jobs because of the action of other countries in terms of giving credits as foreign aid while we continue to give cash.

Mr. President, when are we going to wake up? It is high time that we stopped handing out cash around the world and change the way we give foreign aid to give credits that can only be used to buy products produced in the United States. It is time for us to have a "buy American" approach with the aid which we are handing out around the world. Many countries around the world are building their infrastructures, buying computer systems, television systems, transportation systems. Instead of handing out cash, we should be giving credits for projects and equipment so that will be American equipment produced with American jobs in the infrastructure of those countries and, when they need spare parts in the future, they will have American spare parts; when they

need services in the future, they will be American.

We reach out and help those countries while helping ourselves at the same time and using foreign aid not only to help the rest of the world but to help the economic development of our country and establishment of long-term economic ties at the same time.

So, Mr. President, what this amendment which I have offered would do is move us in a very modest and in a very gentle way toward a goal that many of us have been pushing for some time. The Senator from Texas, the Senator from West Virginia, and others have been pushing this proposal now for over 2 years, and we have been told by the administration, wait just a little longer, we are going to try to get those and other countries to stop tying their aid, we are going to try to get them to have a cash approach like we have.

We have waited and we have waited and we have waited and we have not seen one single change by other countries in our direction. If anything, they have increased the percentage of their aid going out in the form of credits instead of in the form of cash. If anything, they have used aid programs to take even more jobs away from the United States.

We have asked the President, for example, in a letter—and I ask unanimous consent to have printed in the RECORD at this point a letter from Senators BENTSEN, BYRD, BAUCUS, and myself to the President, sent in June, asking why the negotiations failed with other countries in terms of trying to get them to change the manner in which they give foreign aid.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, June 27, 1991.

Hon. GEORGE BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing because of our concern about the apparent continued failure of negotiations in the Organization for Economic Cooperation and Development (OECD) to resolve U.S. concerns about foreign countries' tied aid credit practices.

Prior to the recent OECD ministerial meeting in Paris, considerable attention had been given to the prospect of reaching an agreement to limit tied aid and other concessional financing practices, which other OECD members have been using increasingly in recent years. Unfortunately, it appears that the most recent negotiations on tied aid practices again failed to produce an adequate result.

As you are aware, successful OECD negotiations are the cornerstone of your Administration's policy concerning use of tied aid credits. Use of tied aid by other countries is presenting a growing burden on U.S. export trade. Unless this problem is resolved, U.S. exporters will continue to be unfairly denied access to lucrative and strategic foreign markets. The burden will fall especially on those industries that compete globally for

capital infrastructure projects, including transportation, telecommunications, energy, environmental protection, and construction projects. At the same time, escalating foreign use of tied aid financing will continue to deny the neediest less-developed countries access to precious funding resources.

As the original sponsors of the Aid for Trade Act of 1991, introduced on March 6, we have followed the OECD negotiations with great interest. It is with considerable concern that we view the continued inability of these negotiations to resolve the above problems.

In light of this continued failure, and because any ultimate agreement would not be subject to Congressional ratification, we believe it is essential that Congress be apprised of the future prospects for the OECD negotiations. Specifically, we would appreciate your detailed response to the following questions.

(1) What is the current status of the OECD tied aid negotiations, and when are the next negotiating sessions scheduled?

(2) What are the primary impediments to a successful conclusion to the negotiations? Which countries oppose the type of agreement being sought by the United States?

(3) Why, despite the repeated failure of the negotiations to date, does the Administration still believe that further negotiations will achieve U.S. objectives?

(4) Given the continued OECD deadlock, what other policy options is the Administration prepared to consider in response to escalating use of tied aid credits by other countries?

We greatly appreciate your attention to these concerns.

Sincerely,

LLOYD BENTSEN.
DAVID L. BOREN.
ROBERT C. BYRD.
MAX BAUCUS.

Mr. BOREN. Mr. President, we have not yet had an answer, but it is clear that those negotiations have not succeeded and there is no chance that those negotiations will succeed.

Instead of responding to the calls in Congress for us to use the foreign aid mechanism to increase the economic strength of our country and to create jobs here and to stop handing out American taxpayer's cash around the world to be used by people in other countries to buy our competitors' products, we have been moving, as I said a moment ago, in the wrong direction. If anything, the percentage going in the form of cash handouts appears on the upswing, moving from 60 percent in 1990 fiscal year, to 68 percent expected if we do not act.

Capital projects funding by other countries, percentage of total aid, clearly tell the story: United States, 8 percent—I am talking now about worldwide totals—Japan, 61 percent; Germany, 46 percent; Italy, 62 percent, and I could give many, many other examples.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Washington Post at this point and ask unanimous consent that I might have printed an article analyzing the approach that the Japanese are now taking toward tied-aid projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 13, 1991]

JAPAN'S HANDS-ON FOREIGN AID

(By Steve Coll)

ANPARA, INDIA.—At dawn in this remote and smoky industrial town, a steel skeleton rises in the half light, the beginnings of an \$850 million, 1,000-megawatt electric power generating station being constructed by Mitsui & Co., the Japanese trading giant. The plant, which will pump power across India's densely populated north, was made possible by a record \$600 million, low-interest rate loan from the Japanese government.

To Japanese officials, the plant is a symbol of Tokyo's new place as the leading philanthropist in the Third World, a position it assumed at Washington's urging. But to some resentful Western aid officials, the symbolism is very different.

While the United States slashes its foreign aid budget and rethinks its international assistance, they say, Japan is using its bountiful aid coffers to develop Third World markets for the 21st century—in many cases using development aid explicitly to promote Japanese companies against Western competitors.

As it did with the power plant under construction here, Japan often links large loans and grants to poor countries with procurement of Japanese equipment and technology, an approach that not only enriches Japanese firms in the short run, but also provides them with a strong marketing edge once an aid program is finished.

Japan's seemingly clear-eyed emphasis on its economic self-interest contrasts with a U.S. aid program that appears to be in a state of confusion, shrinking in size and uncertain of its purposes.

Nowhere is this more obvious than in South Asia, a poor but steadily developing region with more than 1 billion people and a growing penchant for market capitalism. In the region's three largest markets—India, Pakistan and Sri Lanka—Japanese bilateral assistance now far outstrips that of the United States, amounting to more than \$2 billion annually.

The vast majority of Japan's aid comes as low interest rate, or "soft," loans for big infrastructure projects such as power stations, telecommunications systems, and energy and transport, and the Japanese loans have strings attached: U.S. and European companies are largely excluded from participation in the projects, permitting Japanese firms to make immediate profits, establish their technologies in nascent industries and develop future markets.

As one Western aid official noted: "Once a user becomes familiar with Japanese equipment and technology, they'll keep using it."

It is a self-interested aid philosophy that "is skewed in a manner to promote Japanese interests to the great detriment of the development needs of the recipient country," said another Western aid official.

In the U.S. approach, on the other hand, this official argued, "There is a dimension that goes beyond self-interest . . . that is altruistic. This is an important part of American values."

In private, Japanese businessmen and officials scoff at American attempts to hold the moral high ground on aid.

They point out that "altruistic" programs, such as U.S. food donations to India, are protected in Washington by corporate farm and shipping lobbyists, whose clients reap

millions of dollars annually from the program. They note that among developed Western countries, the United States is virtually alone in not linking economic aid to the explicit interests of its own companies. And they argue that the thrust of Japan's aid program promotes the goals articulated by the Reagan and Bush administrations: to encourage recipient countries to solve their problems of poverty and development through capitalism.

U.S. aid officials acknowledge that their own house is in a state of relative disorder. "Probably over the years we've had [on] a bit too many rose-colored glasses," said a Bush administration official. "We have to see that it's a different world and we have to adjust. . . . I think we should be prepared to meet the competition in whatever form it takes."

MEET FUKUO YAMANAKA

Here is the competition: a round, bespectacled, unusually friendly Japanese executive named Fukuoka Yamanaka, chief representative in India of Mitsui & Co., the Japanese trading giant. Yamanaka knows the United States—he worked there for nine years—and he remembers his time fondly. But his career provides a microcosm of how the nexus between government aid and private trade has changed in Japan and the United States during the past three decades, and how those changes are reshaping international economic competition.

Yamanaka's business is power—the manufacture, sale and maintenance of electric power generating stations and their assorted industrial components. He first came to the United States in the early 1960s, when "made in Japan" was synonymous with "cheap and shoddy" and when the international electric power business was dominated by U.S. firms, particularly General Electric Co.

As an engineer and salesman, Yamanaka's job in those days was to acquire and sell GE power turbines to Japanese users, often municipal governments and other utility authorities. No company in Japan could make turbines as well as GE, so Mitsui in those days made its money brokering American exports to Japan.

Today, Yamanaka is posted on Mitsui's next frontier: the developing world, where demand for electric power far outstrips supply, and where governments are anxious to build plants quickly on favorable terms. GE is still one of Mitsui's competitors, but in India and elsewhere in South Asia, the contest isn't very close.

One big reason: Japanese government aid, in the form of "soft" loans from its bulging Overseas Economic Cooperation Fund (OECF), has made Mitsui pretty much unbeatable by U.S. companies in South Asia.

Mitsui's biggest project in India today is the construction of the two 500-megawatt electric generating facilities at Anpara. Mitsui won the lead position on the contract after outbidding a single Japanese competitor.

The deal was clinched by a \$600 million OECF loan carrying a 2.5 percent annual rate of interest, a 10-year grace period and a repayment period stretched over 30 years.

Like many Japanese, Yamanaka is sensitive to any implication that Japan is cynically using its aid budget to a poor country like India to promote the prosperity of Japanese corporations. The OECF loan restrictions excluding Western companies from competing "is of course a mixture, the political decision, the business decision."

As for Mitsui's goals, they are twofold, he said: to make immediate profits by winning

contracts, and to build for the long run by using government-financed deals to introduce technologies and find partnerships with Indian companies.

Virtually all OECF loans to this region bar U.S. and European companies from competition, as was the case with the Anpara loan, but companies from developing countries are permitted to compete.

* * * * *

In India, where the government tends toward xenophobia even in the best of circumstances, there is a voluble debate about whether the Japanese aid system is as good for India as it is for Japan. Some accuse Japanese firms of taking advantage of their quasi-monopoly status in big projects to charge exorbitant prices. Others worry that Japan doesn't do enough to involve Indian companies in development work.

"One thing is very clear. The bulk of the OECF money ultimately goes back to Japanese companies," said Naresh Minocha, an Indian financial analyst. "And the Japanese companies quote higher prices than they would in full global competition."

RETHINKING THE PURPOSES OF AID

It now is clear that Japan's aid program in South Asia and much of the developing world dwarfs that of the United States and helps Japanese companies secure a toehold in markets where they might otherwise be left behind. But these truths do not necessarily mean that the United States will be less competitive than Japan in Third World markets during the 21st century, some economists and business officials say.

That is one reason specialists in Washington are today unsure about what the purpose and character of U.S. aid to poor countries should be.

U.S. aid policy remains driven by diverse impulses: to shore up friendly governments in strategic regions, to promote the spread of democracy and capitalism generally, and to provide direct relief to those living in the depths of Third World poverty.

The promotion of economic competitiveness has joined that list of goals during the Reagan and Bush years, but some U.S. aid workers say the idea has been slow to take root in an aid bureaucracy populated by people who see their careers as being devoted to altruism, not economic nationalism.

Some economists and government officials say the United States should try to best Japan not by imitating its approach to foreign aid, but rather by exploiting U.S. "comparative advantages" against Japan.

The biggest of these advantages, they say, is a relatively open U.S. immigration policy that encourages the development of international family-run businesses with a strong anchor in the United States.

For example, there are now about 26,000 Indians attending U.S. colleges and universities, according to U.S. officials. Presumably, some of them will start trading and making money on their own when they are finished with school, as thousands of Indians before them have done, building up two-way trade that totals billions of dollars annually.

Still, some U.S. officials argue that Washington should do much more to integrate the specific needs of U.S. businesses into its foreign aid budget, particularly in areas of the world where markets are young and Japanese and Europeans are working aggressively.

"If the Japanese companies have been so successful [in South Asia], it is because of the close linkage between industry, banking and the government," said V.

Krishnamurthy, former chairman of the Steel Authority of India and a key architect of Japan's aid and trade relationship with India, "If you had gone to the American embassy in [New] Delhi, or to the government in Washington with a proposed deal, they would not" have provided much guidance or assistance.

The U.S. government is trying to change that, but the pace is slow. U.S. embassies now have instructions to integrate more closely the work of Commerce Department officials and representatives of the Agency for International Development (AID), which administers most U.S. aid to poor countries.

Last year, AID established for the first time a \$300 million "war chest" to help U.S. companies arrange competitive soft loan financing against Japanese and European firms. But the amount available for such loans is relatively paltry. And during the same period, Congress defeated, at AID's urging, a bill that would have directly linked U.S. aid donations to procurement from U.S. companies.

"The goals remain the same—to improve the quality of life for poor people in developing countries," said a U.S. aid official. "We're also interested in developing an environment conducive to U.S. investment abroad . . . but we're not the instrument for U.S. business."

Krishnamurthy, recalling the days of the Kennedy and Johnson administrations when India was plagued by famines and the U.S. government boldly led a rush of charitable donors onto the subcontinent, said the U.S. aid philosophy has been well-intended but ultimately unprofitable. "Looking back, U.S. aid was directed in the right places" to alleviate poverty, he said. "But it was not aid that had commercial future."

[From the Journal of Commerce]

MAKING THE MOST OF FOREIGN AID

(By Susan M. Frank)

Although Soviet President Mikhail Gorbachev's request for financial aid from the West was turned down at last week's economic summit, it illuminated the massive demands Eastern Europe—and probably the Soviets—will place on the world's aid donors. It also highlights the need for a new approach to U.S. foreign aid.

The Senate will have a chance to consider this approach when S. 1435, the first foreign assistance authorization bill in seven years, comes to the Senate floor this week. Among the controversial issues in the bill, which was approved by the Senate Foreign Relations Committee in early July, is how the United States should respond to the problem of "tied aid."

Tied aid is a practice enthusiastically embraced by our major trading rivals—Japan, France, Canada and Germany, among others—whereby cash grants or low-interest loans for development offered by these countries are earmarked for purchases of goods or services from the donor country. The annual loss to U.S. exporters, who are frozen out from competing for major overseas projects as a result of tied aid, has been estimated at between \$2.4 billion to \$4.8 billion by the Center for Strategic and International Studies.

The problem has become especially acute as Eastern Europe and the Soviet Union have begun to dismantle their economies and turn to the West for the goods, services and aid necessary to rebuild and remodel their infrastructure.

The United States distributes its foreign aid through the Agency for International De-

velopment. Despite a sizable AID appropriation of \$6 billion for fiscal year 1990, the United States does not "tie" its aid to purchases of U.S.-made products. According to Sen. David Boren, D-Okla., the United States gave \$1.8 billion in aid to Poland and Hungary last year—the majority in cash—with only 14% of this assistance tied to purchases of U.S. goods. In contrast, according to the U.S. International Trade Administration, 99% of Japanese aid and 96% of German aid to these countries was in the form of credits that send their goods to Eastern Europe.

Moreover, the United States unlike its competitors, focuses less than 15% of its aid in the area of capital-infrastructure development, an area favored by Japanese and European aid donors because such projects create a continuing demand for goods and services from the donor country. S. 1435 adopts the Bush administration's preferred approach to the tied aid crisis; it merely authorizes the president to use aid funds in support of trade opportunities and capital-infrastructure projects if he should so choose.

But despite mounting evidence of the damage done to U.S. competitiveness by foreign tied aid programs, the administration and its predecessors have steadfastly refused to use their authority to provide U.S. exporters with the same competitive advantages.

In 1983, Congress tackled tied aid directly by establishing the Tied Aid Credit Fund—known as the "war chest"—within the Export-Import Bank. Despite continuing authorizations and appropriations, these funds have been underutilized. U.S. companies competing for export projects subject to tied aid offers from their competitors report that their war chest request are met with reluctance, unreasonable restrictions, impractical standards of proof and inertia. In 1988, not one dollar of the \$110 million appropriated to the war chest was used to fight tied aid. The result is that American companies with the best product at the best price lose bids because of financing.

The administration insists that engaging in the same unfair, trade-distorting practices as everyone else is not the solution. Instead, it is pursuing international negotiations through the Organization for Economic Cooperation and Development, which represents the world's major industrialized nations. The cornerstone of this strategy is to persuade our trading partners-competitors to embrace the same generous and high-minded aid policy as the United States and untie or restrain their tied aid. The results have been predictable. The negotiations have dragged on since the early 1980s. The last session, held in June, failed to produce adequate results, as have the preceding meetings and agreements.

The reason is simple. Negotiating without any real leverage is generally fruitless. Although the administration would never espouse unilateral disarmament as a negotiating strategy with Saddam Hussein or the Soviets, it appears to be a central assumption in its strategy to eliminate tied aid.

Sens. Boren, Lloyd Bentsen, D-Texas, Robert Byrd, D-W.Va., and Max Baucus, D-Mont., have introduced a bill as an alternative to the "business as usual" tied aid provisions of S. 1435. Their Aid for Trade Bill would reorient U.S. foreign aid, help U.S. exporters now and provide an incentive to our trading partners-competitors to negotiate in earnest. The bill directs an increasing share of U.S. aid toward capital projects, limits cash giveaways not tied to the purchase of U.S. goods and beefs up the war chest with particular emphasis on Eastern Europe.

The aim of the bill, as Sen. Boren has said, is to provide U.S. taxpayers with a return on their investment in other countries' development. The bill is also an acknowledgement that the United States cannot continue its policy of "noblesse oblige" in foreign aid. Our intractable trade balance and increasing dependence upon exports for growth have made a foreign aid policy of "no strings attached" a luxury we can no longer afford.

Adoption of the Aid for Trade provisions in place of S. 1435's vague admonitions would provide a welcome and necessary element of reality in U.S. trade policy. The administration strategy of leading by example and hoping against hope for the best from OECD negotiations may be ideologically satisfying to free traders but it will never get results. Until the United States provides its own companies with an arsenal of support and redirects overseas aid toward getting a return on the taxpayers' investment, the Japanese and Europeans will keep laughing—all the way to the bank.

(Susan Frank is an attorney in the Washington, D.C., office of Sonnenschein, Nath and Rosenthal. The firm does not currently represent clients who are seeking "tied aid" funds.)

Mr. BOREN. The trend, as I mentioned, is getting worse. While the United States is funding capital projects at \$573 million this year, it is expected to drop to \$420 million for fiscal year 1992. If we do not act, this is the beginning of an approach, you might say, toward unilateral disarmament in terms of trying to increase the economic strength of this Nation. I would also like to point out that of the \$570 million now in capital projects, \$520 million, or 91 percent, goes to only two countries, Egypt and the Philippines.

So not only are we not aggressively enough following an approach of giving credits instead of cash, of having capital projects to put our equipment produced by our jobs into the infrastructure of the rest of the world—we are not even attempting to do it in most of the areas of the world—we have limited ourselves thus far basically to doing it in only two countries. So we have fallen far behind; the administration has simply not been responding as it should in terms of moving in this direction.

I also ask unanimous consent to have printed in the RECORD for others of our colleagues to read an article from the Journal of Commerce from last week which highlights the fact that Spain, for example, is now aggressively moving into Latin America with a \$14 billion program of aid tied to procurement of Spanish goods.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, July 22, 1991]

SPAIN PROMISES AID FOR LATIN AMERICA

(By Alva Senzek)

GUADALAJARA, MEXICO.—Spanish President Felipe Gonzalez, last Friday offered the Latin American nations aid totaling \$14 billion over the next "four or five years," providing they continue with existing political and economic modernization programs.

The funds will mainly take the form of soft credits for imports of Spanish goods and services, under the country's so-called *Línea del Rey* (King's credit line). As much as 25 percent may be used for joint investments, both in Spain and in Latin America, Mr. Gonzalez said at the close of a two-day Ibero-American summit conference here.

Portuguese Prime Minister Aníbal Cavaco also promised a helping hand in terms of additional commercial concessions and financial assistance for Latin America when his country takes over the presidency of the European Community in January 1992.

Only three of the 21 Latin American presidents in attendance—Patricio Aylwin of Chile, Alberto Fujimori of Peru and Carlos Andres Perez of Venezuela—openly endorsed closer ties with Spain and Portugal.

Enrique Iglesias, president of the Inter-American Development Bank, announced shortly before the summit meeting that the organization that he heads has earmarked \$3 billion for the development of the Central American countries.

The delegates worked up to the final hour on the last draft of the "Declaration of Guadalajara," a broad statement of the Latin American viewpoint that was originally presented by the Mexico, Brazil and Spain to the remaining delegations at the start of the conference. At the same time, it was announced that Spain is planning to host the second Ibero-American summit in 1992, and Brazil the third in 1992.

The unanimous pleas of the Central American nations for financial assistance from their more prosperous Latin brethren received a partial response in the form of a progress report from the "Group of 3," made up of Mexico, Colombia and Venezuela.

These three countries have been working for more than a year on an elaborate scheme to integrate their own economies over the next three years, while at the same time making more assistance available to Central America in the form of soft credits for fuels, electricity and capital goods. Mexico already has in operation an incentives program to increase its imports from Central America. Venezuela signed an agreement of intention in Guadalajara with the Central American nations—including Panama—to do the same.

The overall Group of 3 plan makes provision for regulating trade disputes and unfair trading practices, reducing tariffs, national treatment for suppliers from either of the other two countries, access to each other's territorial waters and a uniform exports incentive program.

The government-operated Spanish energy monopoly, Empresa Nacional de Electricidad de España, has taken an interest in one project that has developed out of these same negotiations. This would involve massive transfers of energy from southern Mexico and northern Venezuela and Colombia to the Central American countries. Similar projects are under consideration for natural gas, liquefied gas and coal.

First steps have also been taken to set up a trilateral commission to standardize maritime regulations.

Other concrete developments that came out of the Guadalajara summit include the re-establishment of consular relations between Cuba and Colombia and Chile. Cesar Gaviria, president of Colombia, said he expected trade relations with Cuba to be restored, as of next January.

Spain's recent interest in doing more business in Latin America has turned into a costly effort, with imports of goods from the zone \$663 million higher than exports, during the first five months of this year.

Mr. BOREN. Mr. President, now Spanish-built infrastructure, such as electrical systems, will be built in Latin America and once again the United States exporters will lose out. So it is time for us to act. We have waited long enough. We have heard excuses about negotiations; we have heard excuses about the need to have some transition time, and while appeals have been made for more time for transition to a new approach to protect American economic interest and the use of our foreign aid, we have been moving in the wrong direction. It is time now for us to give a nudge, a forceful nudge in the right direction.

That is exactly what the amendment does. It does not do it in such a massive way that would take necessary flexibility away from the administration in being able to plan our foreign aid program. Under the amendment, increased funding for capital projects would go from \$570 million this year to \$750 million next year and \$1 billion for fiscal 1993. In other words, this amendment would not even quite double the very modest amount of our aid that is now going in the form of credits as opposed to that which is going in the form of cash.

We have been very careful to exempt from requirements of this amendment those countries that are using cash to pay back American loans. In other words, if the countries owe the United States loans, which they use our aid to repay, in order to keep current with their payments, we do not disrupt this flow of payments back since that cash is coming back to the United States anyway as opposed to being spent by that country to buy our competitors' equipment and products.

We cap cash transfers beginning with 63 percent of our total transfers now in the form of cash to 60 percent next year and reducing the amount of cash that is handed out around the world to 50 percent in the year 1993.

As I say, this is a modest beginning, only a modest beginning, but it is an effort to send a strong signal to begin a transition to a different approach on foreign aid and to begin to give the American taxpayers some return for their money, instead of having our own cash sometimes used to further reduce employment opportunities and hurt the economic situation here in the United States.

We curtail the current abuse of aid by waiving the buy American provision in the Foreign Assistance Act. Right now there is a buy American provision, but the waiver authority is so broad that it really has no meaning. The requirement could be waived only if the commodity is not available in the United States, or there is a shortage here and emergency demands it be met by nearby suppliers and recipient countries, or if the U.S. price is more than 50 percent of that in the developing

country, then it can be purchased there. And for any waiver, the product procured overseas must be able to be legally imported into the United States.

The original bill which we proposed, reflected in this amendment which we offer today, has been endorsed by a wide range of groups in this country, groups all across the board in terms of economic strength of this country, who understand that it is time for us to wake up and understand what the competition is doing and begin to use our foreign aid program to help ourselves while we are helping others. The bill was endorsed by the United States Chamber of Commerce, for example, and the AFL-CIO as well, as well as the National Association of Manufacturers.

I ask unanimous consent to have printed in the RECORD at this point two letters from the Coalition for Employment Through Export and the Trade and Aid Coalition representing a wide array of groups interested in expanding U.S. exports and jobs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COALITION FOR EMPLOYMENT
THROUGH EXPORTS, INC.,
Washington, DC, July 24, 1991.

DEAR SENATOR —: The Coalition for Employment through Exports (CEE), a broad-based coalition of large, medium and small exporting companies, state governors, and 14 labor unions, strongly urges you to support the capital projects amendments to S. 1435 to be introduced by Senators Boren, Bentsen, Byrd, Baucus, and Lieberman. These amendments would:

Create an AID Capital Projects Office to develop a capital projects program

Set up a special program for developing infrastructure projects in Eastern Europe

Authorize increased funding for capital projects

CEE believes that this legislation will help the development needs of recipient countries and help the U.S. economy by creating jobs and economic growth in the United States. We believe this can be accomplished without displacing development assistance funds. We hope we can count on your support for this proposal.

Sincerely,

PEGGY A. HOULIHAN,
Executive Director.

NOTE.—This letter was personalized for every Member of the Senate (with modified versions for those sponsoring amendments) and hand-carried to their offices on 7/24/91.

TRADE AND AID COALITION,
July 24, 1991.

DEAR SENATOR —: We urge you to support amendments to S. 1435 to be introduced by Senators Boren, Bentsen, Byrd, Baucus, and Lieberman. The amendments would establish a capital projects office within AID and authorize increased funding for capital projects. This proposed legislation is not intended to displace established and useful development assistance programs. The proposal would authorize funding levels for capital projects while providing sufficient flexibility in the appropriations process to fund them without tapping into development assistance funds.

We believe this proposal would sustain our existing AID efforts, be more responsive to the development needs of recipient countries, and create jobs and economic growth within the United States. All other industrialized countries use foreign aid to help develop markets through capital projects in areas such as energy, telecommunications, transportation and environmental protection. These countries understand the linkage between trade and aid, and the benefits to both the recipient nation as well as the donor country.

For example, the modernization, rehabilitation and expansion of infrastructure is crucial to the economic restructuring of Eastern Europe. The Europeans and Japanese have responded to these priorities and have made infrastructure development in Eastern Europe a top priority of their respective foreign assistance programs. Unfortunately, since no U.S. infrastructure grant funding is available through our foreign aid program for Eastern Europe, U.S. companies are at a significant disadvantage in competing in those markets.

In conclusion, we urge your support for these amendments. With this legislation we can have not only an effective AID program, but a means for achieving our country's export competitive goals, as well.

American Consulting Engineers Council, Associated General Contractors of America, Coalition for Employment through Exports, National Association of Manufacturers, National Constructors Association, National Foreign Trade Council, U.S. Chamber of Commerce.

NOTE.—This letter was personalized for every Member of the Senate (with modified versions for those sponsoring amendments) and hand-carried to their offices on 7/24/91.

Mr. BOREN. Mr. President, we have also been told that it would not be fair to those with basic human needs, those where we are dealing with basic problems of shelter and food and emergency medical supplies and refugee assistance. I would again point out that we have exempted those categories in terms of basic human need, emergency human need, and refugee assistance from the provisions of this bill. We are talking here mainly about the basic economic assistance program, the technical assistance programs where we need to be channeling a greater percentage of the aid that we are now giving into capital projects that will create jobs here at home.

Mr. President, I urge my colleagues to give serious consideration to this amendment. I hear again and again, as I am sure my colleagues hear as they go back to their home States and their home districts, that the American people, with all of the needs we have here at home, with all the budgetary problems that we have here at home, are saying why in the world are we still handing out billions of dollars around the world when we cannot take care of the homeless here at home and cannot afford an adequate program to educate the children at home and rebuild the economic strength of our own country.

That is why, Mr. President, it is high time for us to find a way that we can

still be compassionate to the needs of others but to put something back in the pockets of the American taxpayer and at the same time use our foreign aid dollars only to buy American products or essentially to buy American products that will create jobs here at home and long-range economic opportunities for this country.

I am very proud, as I have said, to have a broad spectrum of Senators working with me on this amendment. The distinguished chairman of the Finance Committee, Senator BENTSEN of Texas is on the floor. He has long been a proponent of change in the way we give foreign aid; the President pro tempore, Senator BYRD; and I see Senator BAUCUS now on the floor.

We are also very proud to be joined by those on the other side of the aisle, the distinguished minority leader; the Senator from Utah [Mr. HATCH]; and the Senator from Wyoming [Mr. WALLOP].

And I also ask unanimous consent that my colleague, the Senator from Oklahoma [Mr. NICKLES] be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I urge my colleagues to favorably consider this amendment. It is time for us to start looking after the American people and the American taxpayers for a change and thinking about creating jobs here in our country as we try to help those overseas.

(Mr. DECONCINI assumed the chair.)

Mr. BENTSEN. Mr. President, I rise to support the amendment of the distinguished Senator from Oklahoma. The Senator from Oklahoma has been a leader in this effort for a number of years. He has understood the attack against foreign aid, the intangible nature of it, where you do not see direct results.

He understands that our competition of the decade to come looks like it is not going to be so much a military confrontation but an economic one; that the Warsaw Pact and NATO will begin to recede somewhat in their significance and their importance; that we are looking at Europe, a united 12 nations with some 325 million people, with resources and people and numbers very comparable to our own, where there are going to be economies of size and standardization of production, and tougher, more effective competitors.

He is looking at Japan and the Pacific rim taking us on industry by industry.

And how do they extend their aid? When you see France extend aid to Tunisia, you see capital funds used to build a dam. They talk about having French engineers to do the drawings. When it comes to setting out the specifications for that dam, do you think they use Westinghouse or General Electric? They look at French firms, firms

that they have contacts with, that they understand, where they have a national interest, insisting that they are going to use French cement, French electrical equipment. They understand the relationship.

Japan and many European countries provide about 50 percent of their economic assistance in the form of funds for lucrative capital projects. The figure for the United States is about 8 percent. That disparity—coupled with other countries' massive use of tied aid—costs our exporters up to \$5 billion per year.

This amendment is intended to get us back in the game when it comes to that kind of international competition.

Do we counsel against it? Do we urge other countries not to do it? You bet. We have been doing that for years. And they have turned a deaf ear to us. No response to us, instead actually increases of that application. They really think we are naive in this kind of competition.

We are not talking about sacrificing foreign assistance programs, but we are talking about further justification of them, so the American people can find something coming back to use, something that is consistent with the objectives of our country, something that is consistent with keeping jobs here.

For a country to develop adequately, nothing is more fundamental than a well functioning system of infrastructure: roads, phone lines, powerplants, pollution control systems. With adequate facilities, a country can move up the economic scale. Without them, its economic progress is just stymied.

Our partners in the G-7 already recognize this basic reality. As I said, those countries already provide a far greater percentage of their aid for capital projects. The United States is in last place among the G-7 nations in its use of aid for capital projects—trailing everyone else by a wide margin. It is not even close.

And the trend is in exactly the wrong direction. The Agency for International Development [AID] is providing \$573 million for capital projects this year. Next year, the plan is to cut that to \$420 million—a \$150 million reduction just as the other major donor countries are moving in the opposite direction.

That is the wrong policy for anyone concerned with a sound development strategy. And it is also the wrong policy for anyone concerned with making our foreign aid program more responsive to our economic needs here at home.

All of us have faced constituents at home who ask, "Why do we give so much foreign assistance to other countries when we have such pressing needs at home?" It is a tough question to answer. The public is justifiably skeptical that this aid really makes the best use of our scarce resources.

We need more bang for the buck. And more aid for capital projects does just that. Capital projects funding has been shown to stimulate more purchases of U.S. goods and services than other forms of aid. And as capital projects help the recipient countries, they also help us at home. It is a two-way street. They help us by creating new business, new exports, new jobs.

That means economic growth—and it also means greater confidence in our foreign aid program.

It also means we will have the capital to put in modern plants. A good example, in fact, is that in Japan the average age of a factory is 10 years. In this country, it is 17 years.

This is a balanced and reasonable amendment. All this amendment does is reverse the shift away from capital projects funding and require that \$750 million in aid next year, and \$1 billion in 1993, go for such projects. That means \$600 million in added funding for capital projects.

I agree there was a time when we were so dominant in the world economy that we did not really have to worry about trade. But that day is past and it is time that we are pragmatic, that we are realists in this thing.

Even after this change occurs under this amendment, only 14 percent of our total foreign economic assistance will be for capital projects—only 14 percent—versus 50 percent for our toughest competitors.

About 86 percent of our total foreign assistance still will be available for uses other than capital projects.

In other words, it still leaves us far behind in the amount or the percentage of our money that we send abroad that is spent on capital projects than, for example, Japan and Western Europe. But at least it is a turnaround, a start in the right direction.

The amendment also deals with aid given in the form of straight cash transfers—that is money given in cash, with no strings attached. This year, over 63 percent of AID's economic support funds consists of cash transfers. That is far more than any other major donor country gives out in cash.

This is only a modest reduction in cash transfers. And our amendment would not touch any cash transfers shown to be used either to buy U.S. goods or services or to repay debt owed to the U.S. Government—money that is coming back to the United States.

But we have to pay more attention to no-strings-attached cash transfers. Too often those transfers simply cannot be accounted for. That is no good for a country in desperate need of resources for development. And it also does nothing to create new business and new jobs for Americans.

The reductions in cash transfers we propose are reasonable. We propose to cut that 63-percent figure back to no more than 60 percent of AID's eco-

nomic support funds next year and 50 percent the following year. That is not going to undermine AID's ability to use cash funds flexibly. But it will give us \$350 million to use for capital projects and other more accountable forms of foreign assistance.

When you have cash transfers and often not enough accountability, you are not sure just whose hands that goes into. You are not sure just how much credit really comes back to this country. But if you can go out and look at a dam, look at a highway, a bridge, and understand that the United States played a role in that, that cannot but help insofar as the relations between the two countries and their peoples.

I think we are at a crossroads in our thinking about foreign aid. For too long we have relied on our deep pockets and not worried too much about how our aid dollars are being spent.

But those days are sure over. We face new economic challenges around the world from governments aggressively helping their exporters become more competitive.

By supporting this amendment, the Senate will signal its support for a foreign aid program that both helps development overseas and contributes to our economic strength here at home. It is time that we send that signal both to foreign governments and the American public.

I urge my colleagues to support the amendment.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DODD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am pleased to join the distinguished Senators from Oklahoma and Texas in offering this amendment.

It is high time we took a few basic steps to make sure that our foreign aid program truly advances over all American interests, not only our narrow foreign policy interests, but our economic interests as well.

Our major competitors use their foreign aid to help themselves, especially their exporters, as well as the recipient nation. We should, too.

Right now, Uncle Sam too often just writes our checks, no strings attached, and invites the recipient government to do with our dollars whatever it wants. Too often what it wants is to use our dollars to buy goods and services from our competitors. This amendment will go a long way toward assuring that at least a fair share of American taxpayer dollars go to procure the goods and services of American suppliers.

Last year, my office received a bootleg copy of a study done by a private contractor for AID. It had to be a bootleg copy because AID, having commissioned and then received the study, apparently decided it was best buried in some file drawer, so that no one up here on the Hill ever saw it.

The reason was pretty clear. This study revealed that, in our AID Program in Thailand over the period of the study, nearly 10 times as much of our aid was spent to procure goods and services from Japan as was spent in the United States.

Mr. President, you did not hear me wrong. Ten times as many American tax dollars given to Thailand in American aid, were being spent in Japan as in the United States.

I think it is fair to say that very few Members of Congress, and very few American taxpayers, were aware of that fact, and even fairer to say that none who would become aware of it would understand or approve.

Mr. President, that kind of situation is outrageous.

Sadly, it is not unusual.

It is high time to blow the whistle on that kind of outrage.

It is high time to ensure that competitive American suppliers have a fair shot at providing the goods and services being procured with American taxpayer dollars.

This amendment will help to make that happen. That is why I am happy to join in cosponsoring it, and that is why I strongly urge all Senators to support the amendment.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I wanted to simply continue some of the discussion we were having just a few moments ago.

As I pointed out, it is extremely important for all of us in this country, and particularly for those of us charged with some leadership responsibility, to prepare this country for what we need to continue world leadership into the next century, to understand the nature of the changes that are going on in the world around us.

Others clearly understand what is happening. They understand that leadership in many ways in the future is going to be based upon economic strength as much as upon military strength. Therefore, other countries are marshaling their resources to build the economic strength of their own countries.

The situation, as I indicated earlier, has changed dramatically. Gone are

those days in which the United States was so economically preeminent we did not even have to worry about competition from other countries. Gone are those days when we had 9 of the 10 biggest banks in the world. Now we do not have any of the top 20. Gone are those days when we had more than two-thirds' share of the world's trade. Now we are struggling to hang on to what we have, and other countries have seen more rapid increase in productivity in terms of their own economic growth than we have seen in this country.

So we have to begin to rethink the national interests of this country. Particularly we must rethink it within the foreign policy establishment.

For too long those, particularly in the foreign policy establishment, have looked upon economic concerns as something that really should not be a matter about which they should take note. For too long the commercial sections, for example, of our Embassies have been put into the basement or put into an annex across the street, and those charged with political concerns have really not wanted to bother themselves with the commercial and economic side of that activity in our Embassies. This has to change. We have to face the fact that if we find ourselves without economic influence in the world, we will sooner or later find ourselves without political influence as well, or even military strength as well.

We have to look to the economic well-being of the United States of America. We must, for example, begin to integrate into our Embassies and our diplomatic posts the economic functions even more closely and carefully and elevate them in terms of the importance of looking after American economic interests within every diplomatic establishment around the world.

Ambassador Perkins, Director General of the Foreign Service at this time, is a man of great vision. He understands this. He has spoken often about the need to recruit into the Foreign Service more people with practical background in business and commerce, to strengthen the ability of our diplomatic community to really serve as an economic outpost of the United States and other countries, as well as a political outpost.

In addition, we have to think about the other tools at our disposal in terms of using what we are doing around the world and in terms of our political policies around the world, activities to strengthen ourselves economically as well. As I indicated, foreign aid should be one of those tools.

Virtually every other major industrialized country in the world which gives foreign economic assistance, foreign aid to other countries, realizes that. That is why we have seen, for example, in the case of Germany and Japan, well over 90 percent of their aid to the newly emerging democracies of East-

ern Europe going in the form not of cash but in the form of credits, because not only are they intent upon helping those democracies, those new democracies, as are we, they are also intent upon seeing in the infrastructure of those countries as it is built their products produced by their jobs.

Germany, that gives aid to Eastern Europe, not only wants to help Eastern Europe, it wants to see German equipment in the new computer network systems being built for the banking and finance institutions of Eastern Europe. It wants to see German equipment in the communication infrastructure. It wants to see German equipment produced from German jobs in the transportation system of that country and into the new factories that are being built with the new capital goods and heavy equipment.

By the same token, Japan, with over 95 percent of its aid in the same form, credits, wants to see Japanese equipment in the infrastructure of Poland or Czechoslovakia or Hungary or other countries around the world. They want to see Japanese equipment rolling up and down the highways and in the construction projects. They want to see Japanese computer products in the infrastructure and financial system, for example, of those countries.

What have we done in the United States, while other countries have been looking to their own interests, we have been acting as if we did not even have any economic concerns at all. We have been acting as if we did not even need to protect our own economic interests. Instead of saying yes, if you need computer equipment, instead of giving you cash we will give you computer equipment produced by American jobs here at home, we have said here is the cash, go buy German or Japanese equipment if you want to. It is perfectly all right with us. Take American taxpayers' dollars, send them out in the form of cash, and allow them to be used to actually aid our competitors from an economic point of view.

It does not make sense, Mr. President. It does not mean that as we move toward credits, toward capital projects, to the provision of in-kind help produced here in the United States as opposed to cash, that we are being less beneficial to other countries.

Several countries in Eastern Europe, for example, indicated to me that they needed to computerize their banking system. In one of the countries I visited, I was told it took 6 to 7 weeks on an average for a check to clear in their banking system because they are not computerized in terms of the communication, check-clearing capability. So they want to change that. They want that equipment. They want that structure put in place. They would be just as happy to receive our equipment and our software as they would be happy to receive our dollars.

So why in the world do we not help ourselves while we are helping them at the same time and have in essence a buy American approach instead of just handing out cash around the world for people to use to help our competitors; \$5 billion a year, according to surveys, we have been losing to our competitors in sales of our products.

Mr. President, we are not so preeminent in the world economically. We do not have, as I say, 9 of the 10 biggest banks, the highest per capita income. We have tight budgets here in Congress, and week after week we hear how we cannot meet the real education needs of our people, how we cannot do enough to help the homeless, how we cannot help other people in need, how we cannot help our senior citizens, how we cannot do enough to help control medical expenses of the people in need in our country. Why? Because we are out of money. And yet we continue to hand out money around the world with no strings attached, not even the requirement that we create American jobs as we do it.

The American people are fed up with it. I read survey after survey, and do you know what the surveys say? All of us have read them. Between 80 and 90 percent of the American people, if they could come to the floor of the Senate and vote on foreign aid today, would totally eliminate it, totally eliminate it; 80 to 90 percent of the people would say stop giving a single dollar overseas. We cannot afford to meet all of our needs that are backlogged here at home.

What does that say, Mr. President? It says that there is really not in the long range a choice between doing nothing to change our foreign aid system and making changes. It says that for not too much longer are the American people going to put up with a system that continues to give out cash around the world without getting anything in return. And if we do nothing and we close our eyes, we do not use foreign aid as an economic tool to help this country as well as we help others, sooner or later the American people are going to say end all of it, end all of it.

Mr. President, there is a better way. That way is to allow us to continue to help meet the needs of people around the world, continue to have a presence around the world, and, indeed, at the same time build future economic relationships as well as political relationships with other people—build those relationships; say, for example, to a country like Poland, which wants computer equipment for its banking system, we will help you, but instead of giving you cash, we will put in American computer equipment to help make your banking system more effective. In the future when we produce that equipment it will produce jobs here at home. In the future you might want service contracts with us and want to buy

spare parts from us because it is our equipment and we will have a continuing relationship. As we buy from you and get acquainted with you, as our people come there to help with the spare parts for that equipment and the services of that equipment, relationships will be built and before you know it you will be selling us some products as well.

We will have a greater two-way exchange of trade. We will build an economic relationship that we will build for the future that will keep the United States anchored out in the rest of the world and related to the rest of the world, instead of pulling us back in with no relationship. But it will help the United States and our economy and our taxpayers at the same time by keeping more of them employed and providing more markets for our products.

Mr. President, there are those who would say, well, in a perfect world, these countries which are giving foreign aid to other countries, to poorer countries, simply should allow those countries to have total control of their own destiny. We should give them money and let them spend it as they want, set their own priorities, without any other considerations.

Mr. President, we live in the real world, and in the real world, our competitors, our economic competitors, whether we like it or not, are putting strings on their aid. They are not handing out cash. They are only giving credits. They are adopting policies of economic development for themselves by putting their products out in the infrastructure of other countries.

We had better wake up before it is too late. We had better stop acting like we are so wealthy, with such an unlimited amount of resources that we do not need to look after our own economic well-being in the United States anymore. We had better change our ways; we had better begin to meet the competition. We had better get back some of that edge in our own thinking in terms of how we compete with the rest of the world, while still being compassionate.

We have exempted, as I say, things like refugee assistance. We are not going to interfere with those countries that owe large amounts of cash back to the United States by doing anything with this proposal that would disrupt the repayment capability of those countries. We are not doing that.

We are not trying to strike at those forms of assistance that provide for basic needs and just literally allow people to keep themselves together. Food aid is an important example. Much of that, I might say, already goes for in-kind aid, because it goes in the form of our own agricultural produce in this country, in a form that, as we have learned from experience, not only helps hungry people around the world,

but helps our own farmers at the same time.

We should apply those lessons to other areas as well. Often, in terms of giving the technology, giving equipment as well as just giving cash, we are helping people every bit as much.

For example, not too many years ago, in one African country where we will be giving medical assistance, we gave assistance not just in the form of cash to buy medicines, we gave assistance not only in terms of in-kind medical equipment and in-kind medicine itself; we also gave technology, a communications system, a rudimentary communications system, so that telephones and equipment could be utilized to run tests in one region, outback region, of the country, far away from major medical centers, and have those tests read back at the capital city, where the medical centers were located, to help save the lives of people out in the bush, in the rural area.

Technology can reach out, equipment can often reach out, equipment produced by American jobs can reach out and help people, help people where they live, help save the lives of people just as essentially, if not more essentially, than handing out cash, which is sometimes misused and misspent, either intentionally or unintentionally, in other countries.

So, Mr. President, I again want to urge my colleagues to consider what we are debating here. It is a very important debate, I believe, in terms of the future of this country. It is but one part of the debate that we need to have in the U.S. Senate, a debate about what we can do to restore the economic strength of this country, what we can do to restore our ability to compete, what we can do to restore our ability to produce.

And we have to use every tool available to us, before it is too late. Before we slide down to second- and third-class status, we must use every tool available to us. We have to improve our educational system, make sure that our students understand foreign languages and go out in the rest of the world and be a part of the marketplace, where people do not just speak English.

We have to improve our science and our technology. We have to improve our understanding of the religions, the cultures of other people, and what motivates other peoples in the world with whom we have an economic as well as a political relationship. Surely, while looking at our interests broadly, in terms of rebuilding the strength of this country, we must also look at our own foreign policy programs and institutions themselves to be an important part of this process.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

I say to the Senator, I know of no opposition to his amendment. I wonder whether we can get a time agreement

on the debate period. The only people who have spoken have been proponents of the amendment. I know of no one who wants to speak in opposition to the amendment.

I might have a question or two to ask the Senator. But essentially, this debate time is being used by those who are for the amendment.

I agree with the Senator. This is an important subject. Obviously, it needs to be addressed. But we have others here now who are prepared to offer amendments, so we can move the bill along.

I wonder if the Senator could agree to a time limit, which essentially would be his own time. Maybe we need a minute or 2 extra just for comment. We have been on this amendment for about an hour now, I guess, without any time being used to speak in opposition to the amendment.

Mr. BOREN. Mr. President, I understand the dilemma of my colleague. I apologize.

I have been told that the distinguished President pro tempore, Senator BYRD, is on his way to the floor. He wishes to make some remarks. When he concludes his remarks, this Senator has no additional comments to make. I have been told by other cosponsors on the other side of the aisle that they are not requesting time, any additional time: Senators DOLE, HATCH, WALLOP, NICKLES, or others.

So I would be prepared to go to a vote immediately. We will ask for a rollcall vote, because I think it is important that the Senate go on record on this matter as the bill is taken to conference.

So as soon as Senator BYRD is able to get to the floor to complete his remarks, followed by any comments the distinguished Senator from Maryland or the Senator from Kentucky, our colleague from Kentucky, would wish to make, then I would be prepared to yield.

Mr. SARBANES. I will ask my questions now. Then, as soon as Senator BYRD is finished, we would be perfectly happy to go to a vote.

The Senator said that in his amendment there was an exemption for humanitarian assistance. I have not been able to find that in the amendment. I would appreciate it if it could be pointed out to me.

Mr. BOREN. It is not stated as an affirmative exemption. It is merely we do not cover development assistance. We are only covering certain categories of assistance that we are requiring to move in terms of the amounts of these three categories covered in the bill.

So we have not required the development assistance, as a category, be included among those funds from which the proportion, the larger proportion, would have to go into capital projects.

Mr. SARBANES. There are countries that use their economic support funds,

given the pressure of circumstances under which they find themselves, for what I think any one of us would characterize as humanitarian purposes.

Economic support funds are covered by the amendment.

Mr. BOREN. Yes.

Mr. SARBANES. I understand the amendment does not cover the funds that are specifically marked out to combat hunger and disease. But there are some countries that use the economic support fund moneys for those purposes because the press of their circumstances is so great that they are required to do so.

Where do they find themselves under your amendment?

Mr. BOREN. I think we would still allow enough flexibility under this amendment that they would be able to take care of those needs, because as the Senator just indicated, those basic areas for hunger assistance, refugee assistance, for example, are not included in the scope of this amendment.

We are not here requiring that all of those categories, all of the funds in those categories—which cover between \$3½ to \$4 billion, as we have discussed earlier—we are not requiring that all of those go into the form of capital projects or credits to be tied to, what we might define as tied projects.

We are simply requiring that we try to begin to move in the right direction. We are now at a level of approximately \$570 million in this category out of something between \$3.7 and \$3.8 billion. What we are saying is we simply want to move up to \$750 million in this category next year, and on up to \$1 billion in the year following.

This would mean that we would not be squeezing all of the cash, by any means, out of these programs. As I say, it is a modest movement in the right direction—from my own point of view, frustratingly modest, I might say. But we wanted to give the community time to adapt to it. We wanted to be able to evaluate it as we go along, to make sure that we do not get into those areas of basic human hunger and refugee assistance, and the other kinds of basic human needs the Senator from Maryland has just talked about.

I certainly understand his concern that we not impact those kinds of programs. I would very much agree with him that we should not. But I would just say that I believe we are moving very, very modestly.

Mr. SARBANES. I hope the Senator will allow me to address that point, because I expressed some concern about it to him earlier in private suggestions. It seems to me, given the exemption for cash transfers in section (b)(2), that the pot of money being discussed is much smaller than the figure that the Senator has just used, because it exempts Israel, which is a large recipient of cash transfers. As a consequence, the figure he is using to be shifted into

project aid is applied against a much smaller figure. So you are going to end up going from the figure you used of 8 percent to something on the order of 40 percent in a year's time, a year from now. And as I indicated, I support the direction in which the Senator is moving and the rationale for doing so. In fact, this is exactly the same rationale that was asserted yesterday by many of us in supporting the buy American cargo preference provision. I know the Senator was supportive of that effort, as well, because it reflects the same basic premise that is involved in this proposal. Here again, we are trying to ensure that these cash transfers are spent here in the United States and used for American purchases, and jobs for Americans, including jobs for American seamen.

So, in a sense, the same rationale which the Senator used to make that case yesterday applies here. It is almost exactly the same argument. So I am supportive of it, as I indicated to the Senator. I had some concern about the amount of it, because I do think making these adjustments in the program are going to pose some extreme difficulties. But the Senator has indicated that he intends to stick to these figures, and that is not the major item that is at issue. I do point out, however, with the exemptions he has, he is going to jump the figure from about 8 percent to about 40 percent, maybe even higher.

Mr. BOREN. Of these categories?

Mr. SARBANES. Yes, that is right. These type of capital projects will increase from about 8 percent to about 40 or 50 percent of the total in 1 year's time.

If you take the items the Senator has covered and exempt out Israel and some of the other countries that would be exempted under his amendment, the total figure will be reduced to at least \$2.5 billion and perhaps well below that. The Israeli exemption alone would bring it down to \$2.5 billion. Of course, you are using a \$1 billion figure. That is 40 percent to go to capital projects, while earlier the Senator used the figure of 8 percent.

Mr. BOREN. Yes, of our total aid, not just of this category, but total aid with all categories, we are now at about 8 percent of capital projects, versus 61 percent, as I say, in Japan, 46 in Germany, and in other countries, the 45- to 65-percent range.

In terms of our total, what we do under our bill, if we went to \$1 billion from the present 573, in terms of percentage of total aid, we would be only going from 8 to 40 percent. Part of the categories, you have now subtracted from it the amount of cash—I do not know if you can make exactly that subtraction—

Mr. SARBANES. The relevant figure we need to know is what percent of the current money covered by the cat-

egories that are covered in the Senator's amendment go to capital projects, because that is the change that is taking place. Even assuming that that figure is, say, 10 percent—I, frankly, do not know what that figure is.

Mr. BOREN. It is 573. By the Senator's figures, since he takes away the 1.2, bring that down to about \$2.5 billion. So it would be 573 out of \$2.5 billion.

Mr. SARBANES. I thought the 573 was out of the total.

Mr. BOREN. No. It is out of the total, but it is coming out of these accounts. We would be increasing the amount out of the 2.5, as he is now figuring it, from 573, 750 and to \$1 billion.

Mr. SARBANES. It would be out of the 3.7?

Mr. BOREN. That is correct.

Mr. SARBANES. Currently, we do not have that exemption. In other words, if I accept the thinking that the 573 applies to a figure of 3.7, then in a year's time it will go to \$1 billion out of 2.5; is that correct?

Mr. BOREN. That is correct, by the way he is figuring it.

Mr. SARBANES. Well, I simply make the observation that I think that is a very significant shift. And I do not know what all of its repercussions will be, in terms of the current assistance program, and the recipients, and how they will be impacted by it. But, as I indicated, I do think that we ought to be moving in this direction. I indicated as much yesterday when we did the buy American cargo preference provision, which I know the Senator appreciates, and which had exactly the same rationale the Senator is advancing here on this amendment.

Mr. BOREN. Mr. President, I understand what my colleague is saying, and I certainly know that he is in basic sympathy with the idea that, wherever possible, we should use our foreign aid programs to benefit ourselves and jobs in this country, and our economic development, as well as helping others. He is sensitive to the need to making sure our program still is responsive to those and other countries, especially those with very severe basic needs. I only say, though, that again, if we put it totally into perspective, it should not be held against us that we have exemptions or categories. In other words, we have exempted those hunger programs, things like the refugee assistance. So by exempting those from the scope of this amendment, it is then possible to say exactly what the Senator from Maryland just said—well, you have increased really from something like 20 percent to close to 40 percent; out of this narrow category that is left, the percentage of projects that will now be capital or tied-aid projects. That is possible to say.

But in terms of looking at the amount of flexibility still left, you are

still talking about leaving about \$1.5 billion of flexibility. There is a very large balance here that could be used to meet other kinds of needs. I do not think we are pushing it too far.

The other thing I say is that we also have to look at it in a different way, in terms of what the competition is doing. We have to realize when we look at it in terms of the total assistance—that is the way most taxpayers would look at it; they would say: how much of our money that we are being taxed to send to Washington is going overseas in the form of foreign aid? They are not going to be so concerned as to which category we are putting it into. That is a technicality. If they are billed x billion dollars a year and they ask the question: What percentage of the total that we are contributing to the Government of the United States to be sent on to other countries is going in the form of a buy American approach, in terms of only being used to buy our products? That is only 8 percent today. If our amendment is adopted, we are moving up very modestly to somewhere in the 14- to 15-percent range.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BOREN. It is still far below, I say to my colleague, the percentage of the total other countries, including their refugee assistance, basic hunger assistance, and all of their other assistance, a percentage of their total assistance are by and large tying half or greater—in some cases far more than half—of their total aid, not just aid in this category, but their total aid in this form.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BOREN. Yes.

Mr. SARBANES. It is a very important point. I think it needs to be understood that there is a good deal of foreign assistance that is not project assistance, but which nevertheless is spent in the United States. In fact, it is estimated that about 65 to 70 percent of the total foreign assistance budget is spent in the United States. I understand that is not project assistance, and I understand there is a special argument that can be made about project assistance.

One is the visibility of the project, and on some of these projects it gives us an inside track on the further economic development of the country.

The Senator, I think, used some examples earlier of telecommunications or something of that sort. But as to foreign aid, I do not want people to get the mistaken impression, because the Senator is using these figures of 8 percent, that the balance of this assistance is spent elsewhere. Most of this assistance is spent in the United States.

So, there are flows of U.S. supplies, U.S. goods, U.S. services, that are going to these countries as part of our aid program, that the American tax-

payers are helping to pay for, which at least redound back to our advantage. These funds are spent here and, in effect, constitute a return to the United States.

So, I do not want the thinking to develop that the only way that the money comes back into the United States is if it is spent on capital projects. In fact, at least some of the projects conceivably would create an industrial base for the country in which the project is taking place, the ultimate result of which would be that the country would end up producing a particular commodity rather than buying it from the United States. You may want that to happen as part of the economic development of the country. But we certainly ought to recognize that the vast majority of this aid that is provided does result in purchases in and from the United States.

Mr. BOREN. Mr. President, I again certainly recognize the validity of a good part of what the Senator from Maryland has said. We have endeavored to find out from the administration—and as I say, this is not a problem only with this administration but it has been a problem with other administrations of both political parties—to determine exactly what portion does come back. We have heard figures at different times from the administration that range as low as 30 to as high as 70 percent.

We have asked for it. I think it is something for us to study and document so we have a better understanding of exactly the point the Senator from Maryland is making. We need to have a thorough study made by the administration so we can come up with a credible percentage to understand exactly how much of the rest of this is coming back. We have military assistance and lots of other things involved. They have as yet not really documented, in a credible way, a credible figure.

I might say it is important for us to look at this matter. I say to my colleague I understand also it is very important for us to reevaluate as we move along in this process exactly the magnitude of the transition that we are asking be made to make sure that we are not going too fast, although I would have to say that in the manner in which those in charge of those programs have been dragging their feet in the past, I would say that the danger is not that we move too fast in terms of processing to look after our own economic interest, I think clearly the danger is we are moving too slowly compared to that of other countries.

I certainly understand what the Senator from Maryland is saying. I think his points are accurate. I think it would be helpful for all of us if we could get those in charge of these programs to really come up with a comprehensive study. I know the Senator

from West Virginia has asked for that in the past. That would indicate how much of it does finally come back.

The Center for International and Strategic Studies has indicated that because of the way we give foreign aid versus the way the others give foreign aid, especially the areas we discussed today, we are losing \$5 billion a year in sales of American products.

That indicates that we have a very significant problem and one that we need to address to make sure that we look after American taxpayers' interest.

Mr. BYRD. Mr. President, I commend the distinguished Senator from Oklahoma [Mr. BOREN] for his initiative in offering this amendment and am pleased to be a cosponsor of it. Senator BOREN and I have been working together with the distinguished Senator from Texas [Mr. BENTSEN] for several years now to increase the amount of assistance that goes to so-called tied aid—that is funds to developing countries and regions which are for capital projects and must use American firms for construction of those projects. This is a practice which is used by the other major international donors and is intended to help the economies of the recipient and donor countries alike.

The U.S. economy is in a deep recession, and the major financial institutions of our country; bank and insurance companies are weakening. Our ability to compete in the global market is still in trouble. This is a modest attempt to use the tools that are part of our aid-giving programs for the benefit of America as well as the developing areas of the world. It is a method to get us in solidly on the bottom floor of the developing regions of the world, in particular Eastern Europe, to increase our market share in those regions, and to help our Nation's competitiveness at the same time.

Mr. President, despite efforts over the last couple of years, the bureaucrats are having considerable trouble getting the message. As Mr. BOREN, Mr. BENTSEN and myself pointed out in a letter to our colleagues today, AID funding for capital projects is projected to decrease from \$570 million for fiscal year 1991 to \$420 million in fiscal year 1992, and so the trend is in the reverse direction, a reduction of some 25 percent over the last 2 years. Thus, we have to take action to get back on track, and that is the purpose of the amendment. I am hopeful that this authorization level will be fully funded in the foreign aid appropriations bill for fiscal year 1992, and I believe the amendment deserves the support of the Senate.

Foreign aid is an investment by the American people in the economies of other lands. Let us start to take the steps that will provide them some return on their money.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senator

from Alabama [Mr. HEFLIN] be added as a cosponsor.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. SARBANES. I say to the Senator we are quite prepared to accept the amendment. I wonder if we could do it on a voice vote because we have someone who is ready to offer another amendment.

Mr. BOREN. Because of the importance of this matter I think it is important—we will be going to conference with the House that does not have a similar provision—I ask for the yeas and nays on the amendment. I make that request.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOREN. Mr. President, I am happy to yield the floor at this point so we could proceed to a vote.

Mr. BAUCUS. Mr. President, I rise in strong support of the amendment by Senator BOREN to increase the percentage of U.S. foreign aid that is provided in the form of capital projects.

I have worked with Senator BOREN, Senator BENTSEN, and Senator BYRD to craft this amendment and I am proud to be a cosponsor.

Mr. President, this Nation faces serious international economic challenges.

We all know the list of problems—a sky-high trade deficit, a crumbling infrastructure, a weak educational system, a stagnant standard of living, and so on.

But what is the solution?

Unfortunately, our competitiveness problem won't be solved with a single new program. It will require hard work on many, many fronts.

But one of the fundamental changes we must make is a change in attitude. We must recognize that we are in an economic competition with Japan, Germany, and the rest of the world—a competition which we are losing.

We can no longer afford to be rich uncle to the world. We must devote ourselves on every front to strengthening our economy and increasing the standard of living of U.S. citizens.

Mr. President, that is what this amendment is all about. In Japan and most other nations foreign aid is not just charity. It is also part of a program to advance the economic interests of the donor nation's businesses. Aid is used to establish a hold on a future export market.

But the United States has been unwilling to use its aid in this way. The majority of our aid is provided as direct cash transfers with few strings attached. We don't require that the aid be used to purchase U.S. products or services. In fact, some of the aid is used to purchase products from Germany and Japan.

Mr. President, our competitors would never allow their aid to be used in such a fashion. We can't afford to either.

By increasing the portion of our foreign assistance that is used to support capital projects built with U.S. supplies and using U.S. contractors, we make our foreign aid work to advance America's economic interest.

It is high time we see to it that our aid helps U.S. businesses and U.S. workers as well as the citizens of foreign countries.

Mr. HATCH. Mr. President, I am pleased to join my good friend, the senior Senator from Oklahoma, in his amendment to the 1961 Foreign Assistance Act.

In working with Senator BOREN on this amendment, I sought to develop assurances that, in waiving restrictions on the use of AID moneys to buy American projects, that we narrowed the options to the maximum extent possible. I wanted further assurances that beneficiary countries would not avail themselves of the waiver to buy items that could not be imported into the United States.

Two reasons drove this concern. First, we have seen countries like Iraq attempt to procure from abroad dual-use military technologies that they could not get from the United States. Second, some foreign-made items are not fully importable into the United States because of quotas or other restrictions, such as voluntary restraints. I want to be sure that the simple, temporary shortage of an item here did not necessarily lead to the beneficiary country's procurement abroad of the same item. This would have defeated the purpose of the import restriction.

This is a sound and smart amendment. It is good assistance policy and it is a good business approach. I commend my colleagues who have joined the measure and urge the support of the full Senate.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Oklahoma. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—99

Adams	Bryan	Cranston
Akaka	Bumpers	D'Amato
Baucus	Burdick	Danforth
Bentsen	Burns	Daschle
Biden	Byrd	DeConcini
Bingaman	Chafee	Dixon
Bond	Coats	Dodd
Boren	Cochran	Dole
Bradley	Cohen	Domenici
Breaux	Conrad	Durenberger
Brown	Craig	Exon

Ford	Kerry	Riegle
Fowler	Kohl	Robb
Garn	Lautenberg	Rockefeller
Glenn	Leahy	Roth
Gore	Levin	Rudman
Gorton	Lieberman	Sanford
Graham	Lott	Sarbanes
Gramm	Lugar	Sasser
Grassley	Mack	Seymour
Harkin	McCain	Shelby
Hatch	McConnell	Simon
Hatfield	Metzenbaum	Simpson
Heflin	Mikulski	Smith
Helms	Mitchell	Specter
Hollings	Moynihan	Stevens
Inouye	Murkowski	Symms
Jeffords	Nickles	Thurmond
Johnston	Nunn	Wallop
Kassebaum	Packwood	Warner
Kasten	Pell	Wellstone
Kennedy	Pressler	Wirth
Kerrey	Reid	Wofford

NOT VOTING—1

Pryor

So the amendment (No. 832) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. SARBANES. Mr. President, could we dispose of the underlying amendment?

Mr. METZENBAUM. Regular order, Mr. President.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the underlying amendment, as amended.

The amendment (No. 831), as amended, was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I had been prepared to propose another second-degree amendment to the underlying amendment of the Senator from Connecticut. In consulting with him, and with the Senator from Oklahoma [Mr. BOREN] and others who have been supportive of the underlying amendment, I am told that the change which I have contemplated is agreeable to them and might be simply incorporated into the language by unanimous consent.

Just briefly, I was concerned that this new initiative, which is in my view excellent and which I support, should take special care to make certain that the projects that are being funded under this new program be designed in a way that takes into account the extraordinary environmental problems, especially in Eastern Europe where a lot of this funding is going to be focused.

In examining the language that is incorporated by reference in the underlying amendment, I am comforted that these matters are attended to.

I am simply proposing to put the Administrator of the EPA on the Board created in the amendment as a

nonvoting member to focus the attention of the administrators of this program on the environmental criteria that are incorporated into the text of the amendment. I am told there is no problem with it.

Mr. SARBANES. Mr. President, as I understand it, the Senator from Connecticut is going to modify his amendment at this point. He can do that as a matter of right, as I understand it. I ask unanimous consent that the Senator be allowed to modify his amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 831, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I send to the desk a modification of the underlying amendment. It simply adds the Administrator of the Environmental Protection Agency as a nonvoting member of the Capital Projects Board created under the underlying amendment to accomplish the purpose that the Senator from Tennessee had in mind, to make sure that there is consideration of the environmental impacts of the capital projects that are authorized under the amendment.

The PRESIDING OFFICER. By unanimous consent, the Senator has been authorized to modify his amendment. The amendment is so modified.

The modification to amendment No. 831 is as follows:

On page 7, between lines 4 and 5, insert the following:

(6) The Administrator of the Environmental Protection Agency, as a nonvoting member.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Simon amendment be temporarily laid aside.

Mr. DECONCINI. I reserve the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. If I can address the manager of the bill, is the purpose to proceed to the Dodd-Leahy amendment on El Salvador?

Mr. SARBANES. It will make it in order for others to offer amendments. Otherwise, we have to bide our time on the Simon amendment. We have not been able to get to a vote on the Simon amendment. We are trying to move forward with the legislation.

Mr. DECONCINI. I know the manager has been very cooperative with this Senator. I am now prepared, after his urging, to get our amendments in order.

Mr. SARBANES. I would say to the Senator, I think it would be helpful if we can move to some of these other amendments which have been hanging around. The amendments of the Senator from Arizona we expect to be able to take without debate. But we need to move this process further because of plans people have.

Mr. DECONCINI. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, will the manager explain to me what is happening?

Mr. SARBANES. We have the Simon amendment pending on the U.N. Population Fund. It has been pending for some time. We have not been able to

Mr. DOLE. Does the Senator want to set it aside?

Mr. SARBANES. I am temporarily setting it aside so we can carry on our business.

AMENDMENT NO. 833.

(Purpose: To place restrictions on United States assistance for El Salvador)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. LEAHY, Mr. CRANSTON, Mr. KERRY, Mr. HARKIN, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUE, Mr. KENNEDY, Mr. HATFIELD, Ms. MIKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN, proposes an amendment numbered 833.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than \$85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations,

the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in

other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) **PERIOD COVERED BY PRESIDENTIAL DETERMINATION.**—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) **EXCEPTION.**—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) **PROHIBITION.**—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) **REQUIREMENT FOR RESUMPTION OF ASSISTANCE.**—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) **ESTABLISHMENT OF FUND.**—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) **TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.**—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) **USE OF THE FUND.**—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) **DURATION OF AVAILABILITY OF FUNDS.**—Notwithstanding any other provision of law,

amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) **CONTINUATION OF PROGRAM.**—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) **INTERNATIONAL HUMAN RIGHTS MONITORING.**—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations' efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) **ASSISTANCE.**—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to \$10,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, \$5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 834 TO AMENDMENT NO. 833

(Purpose: To place restrictions on United States assistance for El Salvador)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. LEAHY, Mr. CRANSTON, Mr. KERRY, Mr. HARKIN, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUE, Mr. KENNEDY, Mr. HATFIELD, Mr. MILKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN, proposes an amendment numbered 834 to amendment No. 833.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk continued to read as follows:

On page 1, line 3, of the pending amendment strike all after the word "TITLE" and insert in lieu thereof the following:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than \$85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) **PROHIBITION.**—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) **REQUIREMENT FOR RESUMPTION OF ASSISTANCE.**—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) **IN GENERAL.**—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) **RELEASE OF ASSISTANCE.**—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) **PERIOD COVERED BY PRESIDENTIAL DETERMINATION.**—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) **EXCEPTION.**—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) **PROHIBITION.**—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) **REQUIREMENT FOR RESUMPTION OF ASSISTANCE.**—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) **ESTABLISHMENT OF FUND.**—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) **TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.**—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may

transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) **USE OF THE FUND.**—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) **DURATION OF AVAILABILITY OF FUNDS.**—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) **CONTINUATION OF PROGRAM.**—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) **INTERNATIONAL HUMAN RIGHTS MONITORING.**—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations' efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) **ASSISTANCE.**—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to \$11,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, \$5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

Mr. DODD. Mr. President, basically this amendment is virtually the identical text of S. 1352, which places and has placed restrictions on military aid to El Salvador for the purpose of supporting the U.N.-sponsored negotiating processes which began a little a year ago.

At the outset, Mr. President, I want to pay a particular note to my distinguished colleague from Vermont who is, once again, my cosponsor of this amendment, who has spent many years working with me on these issues affecting Central America. He once again has joined me in this particular proposition.

Mr. President, in addition to Senator LEAHY, of course, I also want to recognize the contribution of the other cosponsors of this legislation, including Senators CRANSTON, KERRY, HARKIN, BIDEN, GLENN, WELLSTONE, INOUE, KENNEDY, HATFIELD, MIKULSKI, WOFFORD, LEVIN, SASSER, DASCHLE, EXON, DECONCINI, and BINGAMAN.

Mr. President, last year the Congress approved legislation that was designed to encourage the Government of El Salvador and its armed political opponents to pursue their differences at the conference table rather than the battlefield. That legislation has registered some very real success in that effort. Between November 1990 and April 1991, I think it is safe to say that more progress was made on the negotiating

front than any 6-month period that was recorded throughout the preceding 6 years. The pending amendment, Mr. President, builds on that effort.

In effect, this amendment is almost identical to the amendment that was adopted by this body over a year ago. Indeed, it is strikingly similar except in two exceptions. First, the amendment would withhold 50 percent of the military aid pipeline for El Salvador in addition to the 50 percent to be withheld from the fiscal 1992 request. I point out that is not a new proposition for this body and that it was incorporated as part of the legislation as it left the Senate last year. That particular provision was modified in conference but, nonetheless, this body has already approved that proposition.

In addition to that proposition, there is the requirement that before any of the money that was withheld could be spent, the President would have to come and seek permission from the four appropriate committees of the House and the Senate. Now that is a new provision. I will get to that in a minute, Mr. President.

I remind my colleagues last year the Senate approved withholding 50 percent of this aid, as I mentioned a moment ago, as well as 50 percent in the pipeline. These modifications are essential, in my view, given the decision that was made recently to release these funds that had been withheld without, in my view, and in the view of many, I would add, sufficient provocation.

At the administration's request, we gave the President maximum flexibility to release those funds, believing that he would act fairly and judiciously. In our opinion, and in the opinion of those who watch this very carefully, as a result of releasing those funds and the threat of it, the negotiating process is stalled to the point where it is not moving forward at all.

Mr. President, except for these two changes, the amendment is virtually identical in every single respect to that which was adopted last year. Its adoption is once again necessary for those who follow this process. It is vitally important that we be able to exert the kind of pressure on both the FMLN and the Government, particularly the military, to stay at that negotiating table, for that is the only way that we are going to resolve, I think, effectively, the conflict that still plagues that country.

I know, Mr. President, there are those who believe we should put this matter off until a later date. I say here to my colleagues that I was prepared to do that. In fact, I offered to do that when the proposition was raised to me back about 6 weeks ago.

I asked, in return for that request of me not to propose this language until September, that none of the withheld funds would be released during that

similar period of time, of 8 to 12 weeks. To that request I was told: No dice. We want you to withhold on any language in the 1992 request. But we will not correspond to that request by agreeing to withhold the funds that we could release, should we decide to do so, in that similar timeframe.

I would point out it has been suggested that the other body, the House of Representatives, has not taken any action. I am sure that point will be raised by some of my colleagues this afternoon. I would point out the reason the House did not act was because they felt they had a reasonable assurance that none of the withheld funds would be released. Had they known that \$21 million of the \$42 million was going to be released, there would have been action in the House.

And so to suggest somehow that the House was forbearing in its actions because of some other consideration is just not an accurate portrayal of what occurred.

Mr. President, I feel that in a sense this is the opportunity on the authorizing bill to continue a framework that I think has been successful, that has proved effective in bringing the parties to the table and keeping them there. It has not gone perfectly. There have been abuses; there have been some significant human rights abuses that have occurred on both sides. Anyone who is suggesting that is not the case has not followed events in the troubled country of El Salvador over these past number of months.

But, Mr. President, we have come so far. If we keep the pressure on, I believe we can achieve the results of ending the conflict in that country.

If we take off the language we have now had there virtually for the last year, the language which I would argue has brought the parties to the table, and merely allow this authorization to go forward and the money to be appropriated without any conditionality at all, that does change the picture and that does change the message. It in effect says that we no longer are concerned about the very elements which we included in the legislation a year ago.

Mr. President, I offer this not as some radical new idea but in effect to keep the status quo, because it has been the status quo for the last 12 months, and I think worked effectively. So this is not some new idea. It is not changing the ground rules at all. It is saying what we did last year we want to continue doing this year.

If we send any other message, then we run the risk, Mr. President, of saying to one side or the other that we care less about the matters that we cared about only a year ago.

I want to go over some of the provisions in the bill so there is clarity about it.

First of all, Mr. President, the legislation sets forth the United States pol-

icy objectives with respect to El Salvador, and those objectives are to promote a permanent settlement and a cease-fire to the conflict through mediation by the U.N. Secretary General, to foster greater respect by the Government of El Salvador for basic human rights and the rule of law, and to advance political accommodation and national reconciliation.

It goes further by placing caps on military assistance to El Salvador at \$85 million. By the way, we are not cutting this aid. We are not wiping it out. There are those who want to do it. There are proposals out there to eliminate altogether the \$85 million, or that would reduce that number. What we are doing is setting aside 50 percent of it.

This legislation further prohibits all United States military assistance to the Government of El Salvador if the President, our President, determines and reports to the appropriate congressional committees in accordance with the reprogramming procedures under section 634(A) of the Foreign Assistance Act of 1961 that any of the following is the case.

So they get 50 percent of the money, and we hold aside 50 percent. And the President can cut off all of that assistance if the Government of El Salvador has declined to participate in good-faith negotiations; the Government has rejected the mediating role of the United Nations; or the Government of El Salvador is failing to conduct a professional investigation into the prosecution of those responsible for the November 16, 1989, murders of the six Jesuit Priests and their associates; or the military and security forces of El Salvador are assassinating or abducting civilians.

Mr. President, this legislation goes further and underscores the United States commitment to the negotiating process by withholding 50 percent of United States military assistance which would otherwise be available to the Government of El Salvador, including 50 percent of the money in the pipeline.

Let me tell you why we include the pipeline. According to the administration, there are some \$150 million in the pipeline. If all we do is set aside 50 percent of the \$85 million and do not affect the \$150 million in the pipeline, then the legislation is virtually a sham. If, in fact, you can access \$150 million, this legislation makes no difference whatsoever. So if it is going to be effectively applied, it seems to me it has to cover not only the fiscal 1992 authorization but also the resources in the pipeline as well.

Now, the President, of course can release all of this money—can release all of the money—the \$42 million as well as 50 percent of the money in the pipeline, if the FMLN has declined to participate in good faith in those negotia-

tions; or the FMLN has rejected a mediating role for the United Nations; or the constitutional government of El Salvador is being jeopardized by a substantial military offensive; or proof exists and has been provided to Congress that the FMLN continues to receive substantial military assistance from outside that country; or the FMLN is assassinating or abducting civilians.

This is to try and place language on both sides that is virtually equal, to say it is not favoring one side or another, but to try to resolve this conflict. And so the pressures are equally applied, so that if the Government is failing to meet its responsibilities, then the money gets tied off entirely. If the FMLN fails to meet its responsibilities in this process, the President can release all of these funds entirely. That was the design behind the legislation, to place pressure on all groups.

We add an additional condition, Mr. President. All United States aid would be terminated, economic and military, in the event there is a military coup in the Government of El Salvador.

Let me go on just a bit further, Mr. President, in that the legislation establishes a fund for cease-fire monitoring, demobilization, transition of peace, which would be essential if we are able to reach an agreement, transfers military assistance withheld by the bill to the newly established fund with the moneys to be provided to El Salvador once a permanent settlement has been reached to support the implementation of that settlement. It strengthens civilian control over the military by mandating prior approval of U.S. military assistance to the military and security forces by the civilian government, which has been a major issue that has been outstanding and failed to be addressed in other legislation.

So, Mr. President, this legislation, as I said, we have been over in the past. People have heard this debated. It should serve as a reminder of what we did last year by a rather substantial vote on what has otherwise been a controversial issue. The Members of this body have recorded themselves on this issue.

As I mentioned earlier, there have been problems over the last year. If there were not any problems, we would not be here debating this issue. And there have been abuses.

But I do not feel, nor do others feel who have watched it carefully, that the abuses have been such that they would have necessarily violated release of these funds. That is not to say it has been a pristine record. But none of us ever thought when we offered this legislation a year ago that there had been perfection on either side. There has not been.

The FMLN was engaged, we now know, in shooting down a helicopter and executing two U.S. airmen, an absolutely inexcusable action. We also

know there have been virtually no progress in the deaths of the six Jesuit Priests and the two women, despite a lot of rhetoric. The fact is, there is no further progress in that case than there was after the initial weeks of heat and pressure brought by the administration, as well as the Congress. But that issue remains stagnant, Mr. President, without any movement at all.

On judicial reform, we have seen some propositions that have been raised. But frankly, under their new constitution, the assembly has to act, and the following assembly has to act, to make them law. The present assembly has not acted at all. And so the judicial reforms that get talked about just like that are worth no more than the paper on which they have been written.

So in some of the basis elements here, we find a continuation of exactly what was in place more than a year ago.

So just to wipe this all out, to say there has been such great progress here that we are not going to include any conditionality at all but to allow this \$85 million in military aid plus the \$150 million that lies in the pipeline to go forward, I think would not be wise. I suggest you will not get a negotiated settlement in El Salvador if that becomes the proposition that emerges from this body and the Congress as a whole when we complete our work on this legislation.

Mr. President, I hope that we will have strong support for this proposal. I know the administration is strongly working against it, calling Members one after another to get them to vote against this proposition. I think they do themselves and El Salvador a great disservice in the process. I have great respect for President Cristiani. I think he is doing as good a job as any person could in trying to bring about a negotiated settlement to this process. But, Mr. President, he cannot do it alone.

The President of El Salvador is not about to come up and request that we cut military aid or withhold military aid, the whole 50 percent of military aid. That would be unforgiving. I will not expect him to do that. But I would suggest to my colleagues here today that the only way that President Cristiani survives politically in his own country is if we end up with a negotiated settlement. If we fail to reach that negotiated settlement, then I suggest President Cristiani's time politically is marked and numbered.

So I urge that this legislation be adopted, this amendment be adopted, in order to give this negotiating process a chance to work. In the absence of doing that, I predict a protracted negotiation at best, maybe no negotiations at all, continued violence in that country, and year in year out, requests not just for the \$85 million that I am try-

ing to withhold only 50 percent of, but the hundreds of millions of dollars to go in economic assistance to try to shore up that Government.

We heard earlier the concerns about foreign aid and where it is going. We condition aid to every State in this country. We tell them whether or not they are going to get Federal aid based on certain things they do. We ought to be able to condition aid to El Salvador on basic things such as we have enumerated in this legislation. If it is good enough for Connecticut, if it is good enough for Nevada, if it is good enough for North Carolina, it is good enough for El Salvador.

I urge that this amendment be adopted.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I take pride in joining with the distinguished Senator from Connecticut in offering the Dodd-Leahy amendment. As one of the sponsors of this amendment with him, I concur in so much that he has said.

The Senator from Connecticut spoke of tying conditions to aid. He pointed out that we do it for our own States. Why cannot we do it with foreign aid? He is absolutely right. We find in this country we cannot even afford the things we want for our domestic needs, but we can shovel the money out to every country that asks for it. We were told that we cannot spend \$90 million to immunize children in America. We have children dying of measles in the United States, something we could easily prevent. But we cannot have \$90 million to immunize children against measles and diphtheria, common childhood diseases. We have \$85 million to send down to El Salvador, a country where we have already poured billions of dollars almost with nothing to show for it, but we cannot spend the same amount of money on health care for our own children.

Mr. President, I understand we have to be concerned about other countries. But there are certain basic things we ought to ask. If we cannot do it at home, if we cannot spend the same amount of money at home for something that is as important as keeping children alive, why should we spend virtually the same amount of money, dollar for dollar, in El Salvador?

It just does not make sense.

I am pleased to join in this amendment which is very similar to the one Senator DODD and I sponsored last year that got 58 votes in the Senate. It was signed into law by the President last November. We withheld one-half of the \$85 million in military aid to El Salvador. We tied the release of the other half to the performance of the Salvadoran Government and the FMLN rebels in the U.N.-sponsored peace talks.

Our law was vigorously opposed by the administration. We were told it was the wrong time. That it would doom the peace process, something I have been hearing for at least a dozen years. Any time anybody says maybe we should put some conditions on how the U.S. taxpayers' money is to be spent, we are told, wait, it is the wrong time. It may cause a problem. It will not be prudent.

I disagree. Is there ever a time that the U.S. taxpayers can say we want a say in where our money goes and what it is used for? We were told at that time it would lead to another FMLN offensive. That it would tie the President's hands. During the 8 months since our amendment passed when we were told that it was the wrong time, doomed the peace process, and tied the President's hands, what has happened? None of those things happened. Instead, for once, for the first time, the parties in El Salvador are actually reacting.

We have seen unprecedented progress in the U.N. peace talks. Both sides have shown flexibility. Both sides have made serious proposals. They have signed far-reaching agreements on a wide range of constitutional reforms. The talks are continuing. We are told by the Salvadoran Ambassador that he believes a cease-fire is near.

The fighting is continuing. But no one expected the war to end when President Bush signed our amendment into law last November. Our aim was to force both sides into a serious negotiating process. Neither has our law tied the President's hands. Our goals and President Bush's goals are the same in El Salvador. We want the war to end. Mr. President, this is a tiny country. It is smaller than Massachusetts. We pour billions of dollars down there at a time when we are taking billions of dollars away from our cities and towns. We ought to at least get something for it. I think that whether the State Department, President Bush, or Members are for or against this amendment, we all agree on one thing—we want the war to end.

Rather than restraining the President, the Dodd-Leahy amendment has given him and administration officials the leverage to push the peace process along, and to keep the prosecution in the Jesuits' case alive.

The amendment we offer today sustains that policy. Again, it authorizes \$85 million in military aid; \$42.5 million would be available immediately after an appropriation. Our amendment withholds the other half. It ties its release to the performance by both sides in the negotiations and on human rights.

If the FMLN attacks civilians or backs away from the peace talks, they risk the release of the other \$42.5 million in military aid.

If the Government refuses to negotiate in good faith or fails to carry

through with the prosecution in the Jesuits' case, the Government risks losing the aid. Again, it is a carrot-stick approach with the Government of El Salvador and the same with the FMLN.

There are two changes from current law. Over \$140 million in prior-year military aid remains undelivered to El Salvador. Our amendment provides that one-half of these funds would also be withheld. They would be subject to the same conditions.

All observers are optimistic about a cease-fire. When that happens, then there is going to be a need for money to demobilize combatants—the combatants on both sides—and find some way to bring them back into a productive life in the Salvadoran society.

Senator DODD and I have given the President needed flexibility to shift unused military aid to meet the costs of peace.

The other change is that if the President decides to release these withheld funds, he must first notify the appropriate congressional committees, as he does in other matters according to the regular notification procedures in the Foreign Assistance Act. That does not impose any legal obstacle to the release of the funds, but it gives Congress a chance to express its views and the views of the American public before the funds are released.

I can hear the arguments of the opponents of this amendment. We have heard every one of these arguments before. As the distinguished Senator from Connecticut said, the administration has been on the phone today calling Senators, and they made the same arguments they made last year. Well, they were wrong last year, and there is nothing to say they are right this year.

Let me address a couple of points. Opponents of the amendment will say withholding half of the aid has not worked because the FMLN has continued to attack civilians, including three American pilots who were brutally executed in January, after their helicopter was shot down. I found that cruel deed shocking, as we all did.

Let me state very clearly, in case anybody is wondering. The FMLN have not lived up to the conditions in the law. They have attacked civilian targets, and there are reports that they have received new surface-to-air missiles, and evidence may be forthcoming on that.

It was because of those actions that the President released half of the withheld aid last month, and he can release the other half.

Mr. President, it is also equally clear that the Government violated the conditions applying to it as well. The Salvadoran military has also attacked civilian targets with rockets and gunfire from helicopters. Abductions and assassinations of religious, labor and peasant leaders continue. The bodies of human rights workers with their

throats cut still turn up on the streets of San Salvador.

The coverup in the Jesuits' case continues. Even the judge in that case says the investigation has not gone far enough. The administration has publicly expressed dissatisfaction with the progress in the case.

I have spent hours with the investigators, those appointed by the Government, and I have watched what they have done. As a former prosecutor, let me tell you, if anybody wanted to investigate a case in a way to ensure a coverup, they set the standard.

There is no question that they have not followed through on the leads they should have, not talked to witnesses, and not procured and secured evidence that was available to them.

The top commanders of the Salvadoran military blamed the FMLN for the murders, even after they knew that their own troops were responsible. Not a single one of those officers has come forward voluntarily with information on the case.

Can you imagine how we would react in this country if somebody in our military, officers that had soldiers under their command, were involved in a heinous murder, and the officers did not come forward? We would be raising holy hell, from the President on down.

But because it is El Salvador, we say: try to clean up your act, but in the meantime do not worry, we are sending you tens of millions of dollars more.

Evidence controlled by the military has been withheld or destroyed. Many of the officers who were finally called to testify lied and lied and lied again about what they know. Even the special military honor board appointed by President Cristiani to review the case lied about it. But we say: do not worry, the check is in the mail, backed by the U.S. Government.

According to Congressman MOAKLEY, there is a "strong possibility that the murders were ordered by senior military officers not currently charged."

The Salvadoran military has tried every trick in the book to hide the truth in the Jesuits' case. Without pressure from the State Department, backed up by the Dodd-Leahy law, that case would have ended up like so many thousands of others, on the shelf, soon forgotten.

So a very strong case can be made that all of the military aid should have been withheld from the Government of El Salvador because of its violations of the conditions, including the requirement for a thorough investigation of the Jesuit murders.

The fact is, though, Mr. President, that neither the Salvadoran Government, nor the FMLN, has fully complied with the conditions in our law. But the answer is not to jettison the law or to ease the pressure on both sides to end this war.

Another argument I expect to hear is that our amendment will weaken

President Cristiani. Mr. President, I have met many times with President Cristiani. I have a great deal of respect for him. He has taken bold steps to reform the Salvadoran economy at a time when just about every step he would take has to be unpopular. He has moved against corruption in a country where corruption has become endemic. He has thrown his weight behind the U.N. peace process, despite resistance from within his own party. He deserves a great deal of credit for that. In fact, he deserves our support, and President Cristiani will get our support.

Even with our amendment, El Salvador, a tiny country of only 5 million people, will receive over \$200 million in American aid next year.

Of all of the countries in the world, only five countries in the world receive more aid from the United States than El Salvador. So let us not weep and worry that they have been cut off. Only five countries in the whole world get more aid from us than they do.

I do believe that President Cristiani wants a peace settlement, as every single Member of the Senate does. But the Salvadoran military is another story. We are told that to get their support for a peace settlement, somehow President Cristiani needs to be able to deliver the whole \$85 million, no questions asked, as though it was some kind of a U.S.-backed bribe for the military.

That argument has been discredited far too many times to count. The only thing that ever got the military's attention was when the Congress withheld half of their aid after they massacred the Jesuits and their housekeepers.

Let us be honest about this. The President just released \$21.2 million to the military, on top of the \$42.5 million that already went to them this year. They have another \$21.2 million coming whenever the President decides to send it. If our amendment passes, they are still going to get another \$42.5 million in lethal aid after October 1. On top of that, there is at least another \$100 million in lethal aid in the pipeline.

Good Lord, how much does this little country need? At this rate, some of the States of the United States ought to secede from the Union and apply for foreign aid. They would do one heck of a lot better. I cannot imagine any State in this country that would dare, with a straight face, ask the U.S. Government to funnel money out at this same rate.

What the military really needs is another clear signal that the Congress will not pay for endless war in El Salvador. To those who say this is not the right time to bring up this amendment, I ask when have we not heard that worn-out argument? For 11 years we have heard it.

Last fall and again now we are saying the time is up. We are going to send a

signal down there if either side—the FMLN or the Salvadoran Government—walks away at the 11th hour, they are going to pay a heavy price for it. We are finished with sending down \$85 million with no strings attached. We are sick and tired—at least this Senator is sick and tired—of having our Government say we cannot afford \$90 million to immunize our children, the children of America, citizens of our country, to keep them from dying of measles, but we can send almost the same amount of money, no strings attached, to the military of El Salvador because they are so grateful. Their gratitude is overwhelming as they ignore us, and ignore us, and ignore us. They only finally pay attention when we put a few restraints on how the money is spent.

Let us not forget the effects of our policy of quadrupling the size of the Salvadoran military and turning a blind eye to corruption and atrocity after atrocity: Over 70,000 dead, the vast majority of whom were civilians who died at the hands of the military and their death squads. Another 7,500 disappeared and are presumed dead. A million refugees, many of them now living in poverty of the United States.

Mr. President, we cannot pass a law to end the war in El Salvador any more than we can pass a law to end wars anywhere in the world. But one thing the United States can do, the country that stands for freedom, democracy, and peace worldwide, can push the sides toward peace. And that is what this amendment does.

It is a moderate approach, but it is working.

It would truly be a tragedy to do less.

Mr. President, I know there are others who wish to speak. I have taken a great deal of time but as the cosponsor of the Dodd-Leahy amendment I did wish to speak following Senator DODD to emphasize and underscore my support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I just listened with some interest to the cosponsor of the amendment and I would like to respond to each of his assertions in support of this amendment.

I would first of all like to point out that this amendment should be maybe called the liberals' last gasp.

Mr. President, 10 years ago if you looked at the map of Central America, you would have seen of those five nations only one which had a freely elected government, Costa Rica.

In Honduras, we did what we could to aid that country including joint military operations which were opposed by the sponsors of this amendment.

In Nicaragua, which was controlled by a Marxist government, we supported those who were struggling for freedom, which was opposed by the sponsors of this amendment.

In El Salvador, 10 years ago, there had been no free election. When one was held, there were requirements for a great deal of assistance. A great deal of that was opposed by sponsors of this amendment.

And now again, Mr. President, they wish to place another impediment in the path to peace in El Salvador. And this is their last opportunity to do so.

I, like my colleague from Connecticut, have grown weary of this debate. We have been in it for many, many years. But, Mr. President, the people of El Salvador, those long-suffering victims of war and poverty, are far more weary than I am.

And let us be clear on the obstacle to peace, Mr. President: it is the FMLN. What we are deciding today is whether the United States will or will not sustain the pressure that will move El Salvador over the last remaining hurdle to peace and national reconciliation. That last hurdle is the FMLN's agreement—its long overdue, much anticipated, persistently elusive agreement—to enter into a cease-fire with the freely elected Government of El Salvador, to participate in fair elections, and to cooperate in their reunification of that troubled country.

Mr. President, I wonder why the sponsors of this amendment ignore the five Presidents of Central America? I wonder why they will not take into consideration their views on this issue. The former President of Costa Rica used to receive great credibility from me and all Members. It seems to me that the sponsors of this amendment are totally ignoring the information which was conveyed to all Senators, which I would like to quote from and, Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMBASSADORS OF
CENTRAL AMERICA,
July 23, 1991.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: We should like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

Peace talks between the El Salvador government and the guerrillas continue under U.N. auspices. It is our belief that a cease-fire agreement is at hand. Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate on the FY'92 foreign assistance for El Salvador until after the August recess, to avoid sending a signal which could disrupt

the peace process. The State Department has urged Congress to do the same. It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

By doing nothing to the conditions already in place as a result of the Senate's action for FY'91, the negotiating balance during this delicate period of time could be maintained. The next several weeks are crucial to nurturing ongoing negotiations aimed at achieving a cease-fire and to giving the peace proposals a chance to be accepted by both sides.

Since 1987, Congress has recognized and supported the Central American President's efforts in achieving peace in the region. Just last week, the President of the six Central American Republics held a summit meeting in El Salvador and demanded unanimously that the FMLN lay down their arms, demobilize their forces, and join the democratic political process in El Salvador.

Lasting peace, economic development, and thriving democracy in Central America are as much in the best interests of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

We are confident that, as in the past you will rely on the Central American Presidents' good judgement on how to address the delicate matter of peace negotiations in Central America.

Please do not hesitate to call any or all of us if we can provide you with further information that might be useful to you in your deliberations.

Sincerely,

Gonzalo J. Facio, Ambassador of Costa Rica; Miguel A. Salvaverria, Ambassador of El Salvador; Juan José Caso,¹ Ambassador of Guatemala; Jorge Ramon Hernandez-Alcerro, Ambassador of Honduras; Ernesto Palazio,² Ambassador of Nicaragua; Jaime Ford, Ambassador of Panama.

¹ Presentation of Credentials pending.

² Unavailable at present for signature.

Mr. MCCAIN. It reads:

We should like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua and Panama, to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agreements to a cease-fire and discontinues its attacks on El Salvador's civilian population.

Mr. President, let me point out the Presidents of the Central American countries, including Panama, are requesting that the United States Senate vote "no" on the Dodd-Leahy amendment before us. I do not know what credibility these Presidents have with the majority of the Members of this Senate. I happen to personally know all of them. I happen to know that they are products of free and fair elections in their countries. And I happen to know this: They are dedicated to peace as much as any Member of this body, as much as any American, because they know what war and devastation have done to their nations. Mr. Presi-

dent, on this basis alone we should be rejecting this amendment today.

Last October, Mr. President, when the Senate was last occupied by the question of assistance to El Salvador, I and other Senators sought to require the FMLN to accept a cease-fire. Senator DODD and his amendments carried the argument that day. He persuaded a majority of Senators it was unreasonable to expect the FMLN to agree to a cease-fire in advance of further political, military, judicial, and electoral reforms. During that debate, the FMLN made clear that the threat of continued hostilities was the only leverage it had to coerce the Government to agree to these changes, and that they had no intention of abandoning that leverage.

Mr. President, the Government of El Salvador has agreed to those reforms, and has already undertaken constitutional changes to effect them. And what has been the response of the FMLN to this internationally applauded progress? They have continued their campaign of violence.

During a November offense that began shortly after the United States cut military assistance to the Salvadoran Government in half, the FMLN attacked civilians and elected officials in renewed determination to wrest control of El Salvador by force rather than political persuasion. The Auxiliary Bishop of San Salvador, Rosa Chavez, called the attacks "a slap in the face to the Salvadoran people." They were a slap in the face to the U.S. Congress as well.

The FMLN persisted in the widespread sabotage of the Salvadoran infrastructure by bombing hydroelectric dams, power stations, agricultural mills, attacking farms, public transport, and banks.

The FMLN further violated the conditions of the Dodd-Leahy amendment by importing new Soviet SA-14 surface-to-air missiles and other significant shipments of lethal weapons from its sponsors in Cuba and Nicaragua. It was admitted by the Nicaraguan Sandinista military that these weapons were sold to the FMLN.

For many Americans, of course, the FMLN's commitment to violence was most apparent when they launched an unprovoked attack on a U.S. helicopter last January. The three U.S. crewmen on that helicopter were conducting a routine, noncombatant mission when guerrilla fire caused them to crash, killing one man. Not content with the death of only one U.S. serviceman, Mr. President, the FMLN guerrillas dragged the two surviving crewmen from the crash and brutally executed them.

And Mr. President, what has been the response of the FMLN to the United States outrage at this act of incredible and despicable crime?

Mr. President, it has been zero.

I think it might be of interest to the Members of this body to hear the foren-

sic report concerning the victims of that crash.

Lieutenant Colonel Pickett sustained 10 gunshots of the head, body, left arm, and leg; 6 of the 10 gunshot wounds were graze injuries, et cetera. Private First Class Dawson received serious but not fatal blunt force injuries. He died of a single, small caliber gunshot wound to the head.

Mr. President, we are dealing with people who have no respect for human life, American or otherwise.

Mr. President, the administration's sensible and balanced policy has contributed to what the Washington Post called a stunning surge toward peace. El Salvador held its sixth free election in March. The FMLN's political allies won a seat in that election, and the leftwing Democratic Convergence party made substantial gains. Their leader, Ruben Zamora, who has bravely demonstrated that political success is best won by force of reason rather than force of arms, was elected a Vice President of the National Assembly.

By agreeing to far-reaching constitutional changes, President Cristiani has, again, in the words of the Washington Post:

Taken the brave and necessary gamble of leashing his party's army and unreconstructed right in the middle of a war, and the further gamble of creating an inclusive national political arena.

There is, as I said at the outset, one obstacle remaining. The FMLN have yet to understand that while they may continue to inflict grave damage on Salvadoran society, the people of El Salvador have no intention of allowing their political choices to be imposed upon them by Communist insurgents. As they have clearly demonstrated in six free elections, they will choose for themselves the people who will govern El Salvador.

When the FMLN finally arrive at a belated appreciation for the firmness of Salvadorans' democratic convictions, we will move that last short distance to peace. It is incumbent upon the U.S. Congress to take no action that would further delay the realization of the people's hopes for peace.

The amendment before us would have precisely that effect.

The amendment is much more severe than last year's action. It would withhold not only 50 percent of this year's, but 50 percent of what remains from last year's appropriation. It would subject all obligations to the reprogramming process, enabling any of four congressional committees to withhold all funds indefinitely.

What will passage of the amendment say to the Government, to the FMLN and to the people of El Salvador? To President Cristiani, it will say:

That despite your agreement to a U.N. designated Truth Commission to investigate human rights abuses over the last 12 years;

Despite your agreement to a constitutionally established National Attorney for Human Rights;

Despite your agreement to remove police and security forces from the control of the Defense Ministry and place them under civilian authority;

Despite your agreement to place the intelligence service under the authority of the President;

Despite your agreement to reduce the Armed Forces to prewar levels;

Despite your agreement to form a commission, whose members will be nominated by the U.N. Secretary-General, to evaluate the human rights records of all military officers and decide who should be removed from service;

Despite your agreement to disband several infantry battalions;

Despite your agreement to dissolve the civil defense forces; and

Despite all these extraordinary reforms, the U.S. Senate will not reward you for your commitment to peace, but, in fact, we will punish you by withholding even nonlethal military assistance to your Government.

To the FMLN, it will say that:

Despite your continued aversion to democracy in El Salvador;

Despite your commitment to suborn with force the sovereign will of the Salvadoran people;

Despite your bad faith in refusing to enter into a cease-fire in response to the Government's agreement to your demands for political and military reforms;

Despite your continuing violence against the civilian leaders and against the people of El Salvador;

Despite your brutal, despicable murder of two American servicemen and your refusal to turn over to the authorities the people responsible for that heinous crime; and

Despite all of these reprehensible policies, the U.S. Senate will not punish you, but reward you by refusing nonlethal military assistance to the Government and, by so doing, encourage your false belief that if you delay a cease-fire you will have an opportunity to win control of the country by force without risking rejection by the people of El Salvador in free elections.

Mr. President, the people of El Salvador desperately desire an immediate cease-fire, and I am certain that the American people earnestly desire an immediate cease-fire in El Salvador. Let us give the negotiations a chance without interference from the U.S. Senate.

My friend from Connecticut said if the other body had known that there had been this money released, they would not have delayed the vote on aid to El Salvador until this fall.

I say to my colleague from Connecticut, having been a Member of that body, he and I know full well that whatever the Speaker of the House

wants to bring to the floor, he can bring tomorrow. And if you want to convey that information to them, if they do not know it, take a short walk down there and tell them about it and then have them bring it up tomorrow.

Mr. President, the people of El Salvador deserve an opportunity, as I said. The time for the armed imposition of unjust and undemocratic governments has passed in countries all over the world. Let it pass in El Salvador. And let the long-sought day of national reconciliation arrive.

Mr. President, the President of the United States has been doing a pretty good job of conducting foreign policy. He has been doing a pretty good job in the minds of American people and certainly in the mind of this Senator.

In fact, we have seen incredible things happen as a result of our actions in the Persian Gulf, a START Treaty, a CFE Treaty, a G-7 meeting of almost unprecedented success and a foreign policy which has made the United States again not only a superpower, but certainly a beacon of hope and freedom throughout the world. And that has been proven time after time from Albania to China.

Mr. President, I suggest that it might be time to give the President an opportunity to continue a record of almost unqualified success in the conduct of America's foreign policy and to agree with the presidents of the countries of Central America rather than accept another attempt to forestall the peace which will eventually come to the people of El Salvador.

I do share the view of my friend from Connecticut. We must stop the blood-letting. The way to stop the blood-letting and death is not through adoption of this amendment.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, violence and turmoil continue in El Salvador. All of the distinguished Senators who addressed the issue today emphasized that. It is a tragedy for the people of El Salvador. It is a tragedy for our hemisphere.

Truly, we are all here attempting to find how that violence might come to an end and peace can come to a people who deserve a better history. And, as each speaker has emphasized, we support the distinguished President of El Salvador, President Cristiani, who is a remarkable man, a courageous man, a person working day by day in great jeopardy of his own life and that of his family. He is a patriot and a friend of the United States, a man who studied in this city, who has a very firm idea of our traditions and who has sought to emulate those values in his own life and his own practice.

Mention has been made that El Salvador has received generous amounts of aid. The distinguished Senator from Vermont said only five countries in the world receive more assistance than El

Salvador. Perhaps, that focuses our attention on the fact that violence still exists in our hemisphere close to us.

One reason the citizens of the United States have chosen to pay attention to El Salvador is that peace in Central America is important to the United States. It is important that five democracies succeeded in that region and these successes are remarkable foreign policy successes of the United States of America.

Yet civil war continues in El Salvador, with loss of life in that country and, as we have learned from the distinguished Senator from Arizona, loss of life for the United States. Military persons and civilians are caught up in the affairs of that country.

The suggestion has been made that individual States in the United States ought to request aid, with the generosity of El Salvador setting a standard.

The purpose of this legislation we are looking at today relates to the security of our country, the United States of America. It involves funds we believe appropriately are spent abroad to bring about peace, security and prosperity for our citizens. There are legitimate reasons on occasion to spend money abroad. This is one of them.

We are talking about peace for our hemisphere, about the extension of our democratic principles because we believe that is most likely to lead to peace for our children and our grandchildren in this geographic neighborhood we call the Western Hemisphere.

Finally, arguments have been made about pushing El Salvador toward peace, pushing its Government, its military, its people. There is the suggestion that things we do here today might somehow push people in that country toward peace, when, in fact, I suspect every person in El Salvador yearns for peace, prays for peace. It would be demeaning, that somehow or other it is up to us to push them toward an objective that is prayed for every day in the world.

The fact is, Mr. President, my own conclusion is we have all been involved in pushing and shoving for a very long time with some thought that we know how to construct peace in El Salvador. My plea today is that we cease and desist from doing that. It would be a welcome change.

The people of El Salvador are not pleading with the U.S. Senate today for advice. They are not pleading to be pushed, to be pawed, to be coerced. They are pleading really to be left alone. They are pleading for no action from the body.

If we heard their fervent plea, they are pleading for no debate. Why such an unusual plea of the U.S. Senate, which is not loathe to debate most issues of interest to us?

I had the privilege yesterday afternoon of receiving a call from President Cristiani. I took the occasion to ask

him how the negotiations are going; what are the prospects for August, when the parties are to meet. And the President said he was optimistic because the Secretary General of the United Nations is now taking an active interest in these negotiations. He is prepared to help frame the parties' interests, help push toward a situation that means a great deal for everyone around the world who wants peace.

The point I want to make, I suppose, above all—although I shall try to respond to a number of thoughts that have already been offered—is the basic point that anything we do, starting with our words in this debate, quite apart from our votes on the Dodd-Leahy amendment, will be perceived as a plus or minus factor in those negotiations.

If negotiations for peace are ripe and the parties are finally at the table and what we have all prayed for all the years they have been in negotiation, that they might resolve their problems, and that there are some very good times to simply leave things alone.

That is not an argument for no action forever or that this is no particular reason we should not be cognizant of the problems in El Salvador. It is simply a practical fact, that this is a time in which the parties are engaged.

President Cristiani did not plead for either the defeat of the Dodd-Leahy amendment or a vote for this or that. The President of the country said: Let us negotiate as El Salvadorans. I think that is a very important plea.

The President of the country, the FMLN, the military, the clergy, the parliamentarians, do not need our advice at this moment.

I appreciate there are Senators who say "Whether they need it or not, we are going to give it." The American people always demand conditions on money. We have a perfect right to dictate that this money be in, that this money be out; this committee approving a request three, four, or five times as required; that it include double negatives or triple positives. Anyone trying to trace the money through the Dodd-Leahy amendment will have a very, very tough time of it. I am certain President Cristiani or anybody in El Salvador who looks at the bill would appreciate that the stream had dried up at that point.

That may not have been the point of the Senator from Connecticut or the Senator from Vermont, but the practical effect of their amendment is a severe tilt. They are entering, deliberately, the peace negotiations, and they are going to upset them.

How anyone with common sense could assert that this amendment in one wit is going to help the peace negotiations is beyond reckoning.

What this amendment does is to once again imply that Senators who want to

dabble in El Salvador, want to settle old scores, want to get at the military, want to pick, again, at the scabs of violence and unsolved crimes—all sort of terrible problems that well-up for over a century—they may have their way. They may have the ability to say we are going to intervene and, believe me, we are intervening for peace, we are intervening for the success of negotiations, when, in fact, El Salvadorans plead simply to be left alone.

A vote today is going to be a tilt, unless the Dodd-Leahy amendment is defeated and we finally have a clean slate and this bill says nothing and we join the House of Representatives and in the fall finally engage in the appropriations process.

The temptation to find the right formula to help bring the parties together and end the conflict in El Salvador has been overwhelming and I support constructive efforts that might accomplish that objective. The long-standing conflict in El Salvador is one of the few protracted conflicts that has not yet been satisfactorily resolved. However, the parties involved are now closer to resolving that conflict than they have ever been over the past decade. But, the war, the suffering, the damage to the infrastructure, and the wrecking of the economy continues and the war has not been settled. So, the search for the right formula here in the United States to end the war in El Salvador continues.

Mr. President, the amendment before the Senate is not the right formula. It will not be helpful to the promotion of peace and to the encouragement of the positive developments taking place in El Salvador in the past year or so. I strongly urge Members to reject this amendment, however well it may be intended.

This amendment uses existing statutory language, but it goes much farther. It is draconian. It goes well beyond current statute. It would withhold 50 percent of proposed military assistance to El Salvador as we have been doing this year. But, it also proposes to withhold all items in the Salvadoran military procurement pipeline, including those which have already been paid for and manufactured with previously provided funds. It appears to me that this would be a serious violation of contract sanctity and would, if passed, undermine the credibility of our military assistance process—quite apart from the adverse effects it would have on El Salvador's ability to combat the FMLN insurgents. Moreover, the amendment sends precisely the wrong signal to the FMLN that they should continue to drag their feet at the bargaining table and continue to drag their feet at the bargaining table and continue to wage war in the field.

The amendment also requires a reprogramming notice wherever or if ever the President decides to release

military funds withheld under this amendment. This would be done through a normal reprogramming notice. In effect, it amounts to a second vote on military assistance to El Salvador, giving the Congress a virtual veto over an area of responsibility exercised by the President. This is a bad precedent and one which severely restricts the ability of the President to exercise his executive responsibilities.

So, this amendment should be opposed because it goes too far, it undermines President Cristiani and the constructive reforms he has championed while encouraging the FMLN guerrillas to resist ending the war; it constitutes a serious violation of U.S. contract sanctity practice and raises equally serious questions as to the President's ability to conduct foreign policy for the country. It would be a giant step backward.

Let me review the Salvadoran record for a moment, at least my own recollection of it, as others have rendered theirs.

I will quote extensively from an article I wrote and which was published in the *Christian Science Monitor* on July 9, 1991. I said:

Two years ago, Congress and the media were wringing their hands over a "catastrophic" setback to the prospects for democracy and peace in El Salvador. The cause of their gloom was the election of Alfredo Cristiani, the presidential nominee of the National Republican Alliance (ARENA)—a party associated in the minds of many with right-wing death squads and wealthy landowners.

Washington was filled with dire predictions; proposed land reform would be cancelled; the military unleashed to conduct a dirty war against leftist guerrillas; wanton killing of innocent peasants would escalate. These predictions were all wrong.

I was asked by President Bush to go to El Salvador as head of the U.S. delegation at Cristiani's inauguration June 1, 1989. In his inaugural address, he pledged to solidify El Salvador's democracy, enhance land reform, bring about an economic turnaround through free enterprise, and seek peace through direct negotiations with the leftist FMLN guerrillas. We were not certain he could deliver on such a large basket of promises in a country divided by a decade of civil war.

I might point out, parenthetically, Mr. President, that that inaugural address was given in a building surrounded by several thousand policemen and soldiers who the day before had uncovered very large caches of military equipment in El Salvador apparently designed to blow up the inaugural and all those who were at that ceremony.

Two years later, he has succeeded to a degree I did not think possible. Look at the economy. By cutting state intervention in order to free private initiative, agricultural production and exports reversed their slide to bring about the highest overall economic growth since 1979. Cristiani has set the stage to improve prospects for the most impoverished Salvadorans.

Look at Salvadoran democracy. For the March 10 National Assembly elections, Cristiani increased the number of Assembly

seats from 60 to 84, opening the way for the leftist parties regarded as the political wing of the FMLN to win nine seats with 15% of the total vote. This should effectively take away the argument of hardline guerrilla leaders that the democratic route to reform is closed to them.

Cristiani also committed his government to the peace process by asking the United Nations to mediate peace talks. April negotiations with the FMLN laid the constitutional foundation for a hoped-for truce. In response to the FMLN's demands, the constitution is being reformed to place the military firmly under civilian control, set up a civilian police force, strengthen the independence of the judiciary, and establish a special prosecutor for crimes against human rights.

The two sides are now meeting with the UN mediator in Venezuela to hammer out a cease-fire agreement. We'll soon learn whether the FMLN has been negotiating sincerely or merely has been engaging in another tactic to impose a Marxist-style dictatorship of El Salvador.

How could a man from the dreaded ARENA bring us a promising juncture in El Salvador? Cristiani, it turns out, was precisely the man for the job. His roots in the conservative right gave him the credentials to persuade the powerful forces resisting reforms that change was inevitable and should not be feared.

This is most evident in the cause of human rights. Contrast the total lack of official action after Archbishop Oscar A. Romero was assassinated ten years ago with what happened after the barbarous murders of six Jesuit priests and their two housekeepers 18 months ago. Cristiani called in experts from abroad to make an impartial and highly professional investigation, which led to the arrest of four army officers and five enlisted men for the crime. Their trial is to begin soon.

In light of such progress, this is no time for Congress to turn its back on El Salvador by showing a lack of support for Cristiani's leadership. Recently the Bush Administration was wise to begin allocating previously withheld military assistance to El Salvador for non-lethal material.

We should likewise continue the kind of pressure for reforms that provide Cristiani with helpful leverage on human rights. But we must be wary of leading the FMLN to conclude that our support of Salvadoran democracy is weakening, and thereby encourage them to continue terrorism as an alternative to peace.

The peace process is indeed working. In 1990, the Government of El Salvador and the FMLN agreed to talks aimed at achieving political agreements, comprehensive social and political reforms, and a termination of the hostilities. The accords call for the legal reintegration of the FMLN into the normal civilian life of El Salvador. There has been significant progress in these areas.

Let me cite just a few areas of progress.

In human rights, the Government and the FMLN signed a U.N. drafted human rights accord. Among the elements in the accord, the parties agreed to a U.N. monitoring group to report on cooperation by the parties to the accord and 130 observers are being dispatched to El Salvador this month to

monitor and protect human rights there. They agreed to a U.N. designated Truth Commission to investigate major human rights cases since 1980, for a whole decade. Earlier this year the parties agreed to create a national attorney for human rights.

The Government and the FMLN agreed in April to allocate at least 6 percent of the national budget to support and approve the judicial system; they agreed to restructure and reform the appointment process for the Supreme Court giving the new pluralistic, multiparty legislative assembly significant input into approving those appointments; and a civilian criminal investigation unit is being established under the Attorney General. Moreover, the long-awaited prosecution of the Jesuit murders will move to jury selection and trial in the next 2 months; this includes charges against eight defendants for murder and three defendants for obstruction of justice.

The electoral system has been reformed and most Members are familiar with some of the reforms implemented prior to the national elections in March. These elections were the sixth internationally monitored free election in El Salvador. The legislative assembly was expanded from 60 to 84 seats, and parties espousing diverse philosophies, including those affiliated with the Communist Party of El Salvador, participated and won seats. Political pluralism is alive and growing in El Salvador.

Significantly, in April the Government and the FMLN agreed to separate the police and security forces from the national Armed Forces and to create a civilian national police force under a civilian ministry. This has been a step long sought by advocates of reform in El Salvador.

Also, in April, the Government and the FMLN agreed to sweeping constitutional reforms affecting the Armed Forces. These included agreements to give the civilian President more power over assignments and dismissals in the Armed Forces and to remove the intelligence service from the military command and to place it under the President. It would also reduce the size of the Armed Forces to prewar levels, disband several military units and dissolve the civil defense forces.

I go into these details, Mr. President, because they are important to indicate precisely what the changes have been and how substantial they have been. Any follower of history in that country will perceive these are truly monumental changes in a country driven by violence and human rights abuses.

There have been other positive changes endorsed by the Government and by the FMLN. The government of President Cristiani has been very forthcoming and has searched in earnest for peace and reconciliation, and we should do all we can to encourage

those seeking that peace and reconciliation.

I think it is fair to say that the government has been at least as forthcoming in the negotiations as the FMLN. By most accounts, the Government has been far more forthcoming. The FMLN has resisted a cease-fire and so far has created obstacles to a final cease-fire and discarded agenda items whenever it and the Government inched close to an agreement.

Mr. President, we ought not put additional strictures on the Government and the Armed Forces at the moment, however appealing that may appear to be. The pressure should be placed on those who have been resistant to the very changes the forces for peace and reconciliation have long sought.

My comment, as I stated earlier Mr. President, is that we ought not to be offering pressure at all. We ought to be staying out of the argument, given the progress that I have cited and the prospects I think are abundantly clear.

Finally, Mr. President, the amendment offered by the Senator from Connecticut was before the Foreign Relations Committee during the markup of this legislation. It was rejected by the Foreign Relations Committee on a bipartisan vote several weeks ago because it goes beyond the restrictions in the law which were enacted last year. It was rejected then because it sends the wrong signal. It tells the FMLN the Congress will and should get tougher on the Government when we should not be sending signals at all. It tells the FMLN that we should expect it to continue to stall at the bargaining table and we ought not to be intervening at all. More important, it tells President Cristiani that his leadership in the peace process earns him few credits in the U.S. Senate despite the fact that many applaud his general leadership. For all of these reasons, Mr. President, the amendment should be defeated.

We should not speak on this issue at this time. We should truly let peace have a chance and negotiations under the auspices of the United Nations with encouragement by the Secretary General proceed.

Mr. SPECTER. Will the Senator from Indiana yield for a question?

Mr. LUGAR. I am happy to respond to my distinguished colleague.

Mr. SPECTER. Before I pose the question, I wonder if the Senator from Indiana will be on the floor for a moment or two because the Senator from Kansas had been here earlier and advises she has a relatively brief statement, so I would defer to her.

Mr. LUGAR. I will be happy to remain if the questions can be asked just after the Senator from Kansas.

Mr. SPECTER. I thank my colleague. The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I appreciate being able to speak for just a few moments.

I rise in support of the Dodd-Leahy amendment, which, as has been stated, escrows 50 percent of our military aid to El Salvador. I do so, Mr. President, without turning a blind eye to the FMLN's violence in El Salvador, without turning a blind eye to the enormous difficulties that have been faced over the years in moving away from repressive totalitarian military leadership in El Salvador to one of civilian leadership.

But I also, like all who have spoken here this afternoon, have followed events closely in El Salvador. We have had moments of high hopes. We have had moments of fear. But more importantly, I think over the 10 years, 11 years which I have been involved closely, it is with great sorrow, sorrow for the people of El Salvador who have had to go through the enormous tragedy of transition to a democracy for that country, who have tried so hard to find in their own way an answer to the tragedies that have befallen that country.

I certainly think the Senator from Indiana was eloquent in saying that we have done much pushing and shoving here trying to help, in our own fashion, the process. Many times perhaps we have hindered it. But it has certainly been done with the best of intentions.

The reason I support this amendment at this time is that last year when we approved this amendment, and it passed by a substantial majority here in the Senate, and became law, I believed it was one factor to help the negotiation process move along at that time. I firmly believe, Mr. President, that it would be the opportunity to help move the negotiation process along at this time if we pass this amendment.

I remember when President Duarte came to Kansas State University and delivered a lecture there a few days after the very first meeting of reconciliation between the Government and the FMLN in El Salvador. Hopes were high at that point, 1984, that peace was just around the corner, and they have been dashed over again and over again. But I see no reason, Mr. President, not to try again at this moment to adhere to language which basically we have been operating under for almost a year.

The current language does have two different provisions. It has been broadened, as the Senator from Indiana, Mr. LUGAR, has pointed out. One is that it would halt money in the pipeline which is being spent now rapidly, but that provision was in the legislation that we passed in the Senate last year and it was taken out in conference. It also would require a notification process of some complication.

But perhaps in recognizing that political changes are taking place, I think of a positive nature, we should consider just operating under current law if, indeed, this has proved to be so

successful. I think there is certainly merit to continuing to escrow 50 percent of the military aid that we would be sending to El Salvador.

The issue has been well laid out. I think we have debated the same issue, as a matter of fact, time and time again over the past decade. It is hard for us, in fact impossible, to stand here in the Senate and try to really determine in any way which we can fathom the best answer for El Salvador. It has to come from within El Salvador. I am a strong believer that President Cristiani has provided enormously constructive leadership in El Salvador, and if there is any hope of achieving lasting reconciliation there and any negotiation which can achieve peace and stability in El Salvador, it is going to come from our continued support of President Cristiani and our support for the negotiating process.

For that reason, Mr. President, I strongly support the Dodd-Leahy amendment and hope others will join in that effort.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I sought recognition for the purpose of asking questions of the distinguished Senator from Indiana. I do not intend to speak now because others have been on the floor before my arrival, but I will make a statement later after listening to debate.

I pose these questions to the Senator from Indiana because of his experience on the Foreign Relations Committee and his knowledge on the subject which he imparted in his preceding statement.

The first question relates to the current interest of the United States in El Salvador in terms of the traditional threat posed by the Soviet Union, or perhaps its agent, Cuba. We had confronted the Soviet Union around the world in many spots, Cambodia, Angola, Afghanistan, et cetera. I ask my colleague from Indiana if he sees a significant Soviet threat or a surrogate threat by Cuba as a basis of this United States military aid and, if not, why should we be advancing such substantial military aid?

Mr. LUGAR. In response to the Senator, I have certainly no intelligence information on the subject. Others may have. But certainly there are open reports that sophisticated surface-to-air missiles have been introduced into El Salvador, reportedly by elements of the military of Nicaragua, the Sandinista elements, and those charges apparently had substance. Both the El Salvador and Nicaraguan Governments are trying to straighten it out. But the interference in the recent period comes apparently through stocks that were in Nicaragua and have found their way into El Salvador. The origin of these is

suspect and subject to great debate, but there are reports that they may have originated from Cuba.

Mr. SPECTER. I thank my colleague. I ask further about the need for additional funds in the light of so much money in the pipeline. It is reported that there is as much as \$140 million in the pipeline. I have a document from the Department of State as of June 26, if I interpret the document correctly—it is not totally clear—which lists what purports to be \$132.5 million in the pipeline. With such funds available, what is the need for an additional authorization and later appropriation?

Mr. LUGAR. The Senator's question is one for which I do not have a definitive answer. It could very well be that given peace in El Salvador, there would not be a need for any armament or military assistance at all. As a matter of fact, the President of the country has often suggested that if a cease-fire could be obtained and if peace could be at hand, moneys that have been appropriated for arms might, with consultation with the United States, be used for the rehabilitation of the war-torn country. So I think that is our prayer.

We have no particular requirement, unless one perceives a war continuing, but our hope is that the answer to the Senator's question would be that no further funds would be required. But the problem is, of course, that war continues and the cease-fire has not happened. The plea that I have made today is not to make a judgment on the authorization of funds in the same manner the House of Representatives has been silent, because the issue will have to be joined at the appropriation process in September.

Mr. SPECTER. The third and final question I ask of my colleague from Indiana relates to his assertions about the trial of the Jesuit murder case. I will have a fair amount to say about this later when I seek the floor for the purpose of making a statement.

The Senator from Indiana has said that he expects the trial to be held, submitted to a jury within 2 months, which, based on the information available to this Senator, appears optimistic. I ask my colleague why he thinks, given the long and tortuous history to date, that we will have that resolution within 2 months?

Mr. LUGAR. I can only base that estimate upon the best judgment of the Government of El Salvador in conversation with our Government. The skepticism of the Senator from Pennsylvania, is well-founded, given the history of that country.

I do not want to make derogatory comments that will not assist this debate, but clearly the building of a workable judicial system in El Salvador has been a tortuous process. One of the points that I made about the reforms by President Cristiani is that remarkable progress has occurred. I cited

specific changes that have happened. By our standards in the United States, those changes seem to be rudimentary and almost at a glacial pace, and in incremental steps. Given the context in which they have been occurring, the progress has been clearly remarkable.

I pray that the 2-months time estimate is a correct one. It is the best official estimate of the two governments.

Mr. SPECTER. I thank my colleague from Indiana. I have made the same inquiries of Mr. Bernard Aronson, the Assistant Secretary for Latin American Affairs. I did want to have the advantage of Senator LUGAR's thinking while he was on the floor.

I have some questions for Senator DODD. I will defer those for this moment because my colleague has been waiting patiently and he arrived here ahead of this Senator.

I shall await the conclusion of Senator DURENBERGER's presentation before seeking the floor to have a colloquy with Senator DODD. I thank the Chair. I thank my colleagues.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I want to commend each of my colleagues who have spoken so far. I am not sure whether there are going to be a lot more to speak, but I must express the concern that it seems like we have been through this before, and it seems like it is always the same people who are here. And the concern that this Senator has is that those who do not come to speak to the issue may determine the outcome of the vote.

I guess I did not worry quite as much about that back in the days when we had a secret war going on in Nicaragua and we had the country tearing itself apart around Central America. I sort of had the feeling the people paid a lot of attention even if they did not come to speak. But I do not have that feeling as I stand here today.

I recall, as I listened to the comments of my colleagues, again saying these, in large part on both sides of the issue, are the people who have spoken to the issue since I came to the Senate in 1978—I think beginning probably about August or September of 1979—when we began to debate this issue.

It was in July that the Somoza government fell in Nicaragua; by January of the following year that the Romero government fell in El Salvador. It was in that period of time that this became the debating forum for U.S. policy in Central America.

All of us have been to all of these countries more than once, all of us know the political leaders and their predecessors—at least those of us who are speaking here today—of these countries very well.

Some of us were at the inauguration of Chamorro in Managua, Nicaragua

about a year or so ago. I imagine there were those who were probably struck, as I was, by the difference in the scale that this issue takes when you actually get to San Salvador or you get to Managua, because on that day I stood up behind the bleachers right behind third base—third base foul line as we would call it here—in the municipal stadium, which is a wooden bleached stadium which holds 10,000 people, something like that. It is the national stadium of Nicaragua.

I saw half of the people from UNO on the one side and half of the people from the Sandinistas on the other. I thought for a couple of hours I was in a national soccer match. I recognized a lot of the people who came in in their uniforms as the former Sandinista government of Nicaragua, including its ex-President Daniel Ortega, and then the bright white and blue of Chamorro and UNO. I recognized the Contras, the Contra leadership.

I just asked myself today if I can get at that scale by going to Managua, I have to ask myself why it takes on a certain enormity in the context of a debate here in the U.S. Senate. I think it is because we reduce the issues to rather simplistic judgments. We stand here and we debate whether or not \$42.5 million of aid, or \$10.2 million in a pipeline, or something like that is going to make a big difference.

Frankly, it is my conclusion that the only thing that makes any difference in this case is the people involved. That certainly has been my experience with El Salvador, which goes back 20 years now both before I came to the United States Senate, and since I have been in the United States Senate. It is the people involved that are going to make the difference, and the people involved in this particular case are making a difference.

It is for that reason, Mr. President, that I rise to, as strongly as I can, oppose the amendment by my colleagues from Connecticut and Vermont.

I voted with them last year because it did not look like I had a lot of choice. But this year I do, and the choice to me is very, very clear. I suggest that my colleagues who voted with the Dodd-Leahy—or for the Dodd-Leahy amendment last year, listen or relisten to the comments by our colleagues from Arizona, our colleagues from Indiana, who detailed a lot of the events that have taken place because of the nature of the people that are involved since last year.

I stand here today having to make the judgment, is this the right thing to do and is this the right time to do it? I will never know whether it is the right thing to do. But I am convinced after 13 years of standing here debating these issues that it is the wrong time to do what our colleagues have suggested we do.

I cannot accept the measure that unnecessarily risks disrupting the nego-

tiating process in El Salvador. I cannot accept a measure which ties the diplomatic hands of the President of the United States, the President who, unlike his predecessor, is committed to finding a resolution to this problem. I cannot in good conscience endorse a legislative veto of whatever the President does by four committees of this body.

I have listened to the debate on the amendment. I have tried to understand the reasons for addressing the military aid question right now precisely when the negotiations in El Salvador are reaching their final stages. I must admit I have heard nothing that persuades me that this is the right time to force the issue.

I share everyone's frustration and abhorrence of the continuing violence in El Salvador. I am convinced the people of El Salvador are eager and anxious for peace. There is a sense in the country that peace is near and they will soon be free of the burdens of continual war, and the peace will come by negotiations between Salvadorans.

Even though she has come to a different conclusion on this issue, our colleague from Kansas said if there is going to be peace in El Salvador, it is going to have to come from El Salvador.

It has been my strong hope that the Senate would follow the lead of the House of Representatives and defer consideration on this measure until at least September. The House leaders on this issue, including strong critics of the U.S. policy, recognize all too clearly that forcing a divisive congressional debate now could be counterproductive at best, and potentially much worse. The House has acted responsibly. They have not indefinitely postponed the issue. We will have ample opportunity to address the military aid question during the autumn months, and if all continues to go well in El Salvador we might then be debating economic development and reconstruction aid rather than military aid.

So I say why risk setting back the process? It makes no sense whatsoever to this Senator to risk the negotiations when the talks are on the verge of success. What can we possibly gain? Not much, but we can lose a great deal.

I need not remind my colleagues that the FMLN launched a major offensive 3 weeks after the Senate voted to withhold military aid in late October of last year. Was there a connection? we each draw our own conclusions. As far as I am concerned, why risk it?

It has been argued that the House leaders had an understanding with President Bush that they would not consider the military aid question if he would not release any of the withheld aid.

That was certainly their preference and suggestion to the President. But it is my understanding, Mr. President,

that there was no quid pro quo in the House decision. They decided not to act now because that is the right thing to do.

It has been alleged that the President is acting in bad faith by releasing the military aid now, at a sensitive time in the talks; that the President himself risks derailing the talks.

I urge my colleagues to simply look at the facts. President Bush is not releasing huge quantities of lethal military aid. To do so would in fact risk sending damaging signals. It is important for the Senate to realize that.

President Bush has authorized the release of one-half of the withheld military aid. He authorized the release, not actually disbursed it. The President realizes the damaging potential of a huge infusion, so he is not doing it.

Second, Mr. President, the administration is releasing only nonlethal aid, and is doing so only in small quantities and on a case-by-case, or as needed basis.

If you look at the package that is about to be released—nothing has been released to date—it contains food rations, uniform cloth, medical supplies, boots, prosthetics, fuel, and engine spare parts. It makes no sense to argue that sending boots, bandages, and food rations risks upsetting the apple cart of negotiations. There are no helicopter gunships involved here. It is boots, medical supplies, food rations, and uniform cloth.

The question is raised by our colleague from Pennsylvania regarding the pipeline. They do not need all of the money in the pipeline. But that is not the issue.

Mr. President, the President of the United States is not being irresponsible in these actions. If the administration had wanted to upset the negotiating process, it could have disbursed the full \$42.5 million in lethal military aid back in January. That is when the FMLN murdered two Americans. That is when the President certified that the FMLN violated the terms and conditions of the law this body passed. But he did not do it.

For 7 months, President Bush has acted with restraint regarding the aid. He has wisely and judiciously refrained from releasing any of the aid, even though he was authorized to do so. Now he is releasing boots and bandages. Even in releasing some of the aid, the President continues his policy of cautious and careful restraint.

So, in my view, Mr. President, it is simply not persuasive to argue that releasing the aid in the manner adopted by the administration will somehow radically upset the balance of the talks. We are talking about prosthetics, Mr. President, not guns and bullets.

It seems to me that President Bush has managed the El Salvador policy adroitly and sensibly. Why risk a set-

back now? Why do we have to take the policy reins away from the President?

I must also strenuously object to the de facto legislative veto this amendment contains. Requiring that any Presidential decision to release withheld aid be approved by four congressional committees severely restricts Presidential flexibility. There was a time in 1985 and 1986, when I argued in the committee that I was involved in that we have at least one other committee involved, and I got voted down. So I am not against a congressional check. I wish that at that time we had one. But this is not 1986, and it is not Nicaragua. A one-vote majority in one congressional committee could thwart an important Presidential foreign policy initiative that might bring peace to Central America. This provision ignores the fact that President Bush has conducted his policy wisely, responsibly, and with considerable good judgment.

Looking at this language, one is almost led to believe that nothing at all positive has happened in the last 9 months of talks in El Salvador. The language appears to be an effort to "pile on" Salvadoran President Cristiani. I compliment my colleague from Indiana for the comments he has made here about the quality that Alfredo Cristiani and his family have brought to the office of President in El Salvador. This amendment not only undercuts our President, but it undercuts President Cristiani, as well.

My colleague from Arizona has outlined well the many steps that President Cristiani has already taken—not promised, but taken and put into effect—which the FMLN, 5 or 6 years ago, would have used as a way to accept peace in El Salvador.

Let me reiterate my strong belief that we gain nothing by addressing this issue at this time; but we risk a great deal. I urge my colleagues to step back for just a moment, to take a fresh look at El Salvador. The truth is that this is not 1978, it is not 1984, as our colleague from Kansas reminds us—the year President Duarte began negotiations with the FMLN—it is not even 1990, when we took our last vote on this issue. The truth in El Salvador today is that the more democratic improvement there is in that country, whether under Duarte or under President Cristiani, the more the government changes, and the more the FMLN demands. Both sides, Mr. President, must know the end of conflict is near.

I urge my colleagues to realize that El Salvador is moving forward on the negotiating track—something we all want. I think it is the sense on both sides that they are almost there. The peace train could be rolling into the station. Do not let this be the place where we switch tracks.

Thank you, Mr. President. I yield the floor.

Mr. HATFIELD. Mr. President, as I prepared for this debate today, I had to stop and wonder if the Senate was ready for another debate on El Salvador. After all, with the war in the gulf, a visit from a Russian President, arms control treaties waiting in the wings—clearly, we have many things on our minds. And the situation in El Salvador generally merits little column space in the news.

This is the way it has always been for El Salvador. Unless there is a shocking tragedy, or an interesting electoral occurrence, we really would rather not hear about this tiny country. But we did not have any real blockbuster event in El Salvador this year—at least not anything which has caused us to act.

Knowing what it takes to get someone's attention, I almost wish something big had happened in El Salvador—because I know that people sit up and listen when they see bloody pictures, when they hear that priests are dead, when the rivers sweep away fleeing refugees. Then maybe this debate would be more than just a rehashing of everyone's old positions on a country which suffers anew each day.

Mr. President, for years, those people who favored the Reagan and now the Bush administration's policy on El Salvador would come to this floor and make their plea for the status quo—do not cut aid to El Salvador. The Sandinistas are spreading communism fast.

Do not cut aid to El Salvador. President Duarte will bring true democracy.

Do not cut aid to El Salvador. There is a strong reformist element to the military.

Do not cut aid to El Salvador—things will be better.

Well, Mr. President, they really are not. Over 70,000 people have been killed. The economy refuses to rally. The Government cannot stop the military from acting with impunity, and a cease-fire still is elusive.

The opponents of this amendment have had as their rousing rallying cry only a plea for the status quo. For El Salvador, the status quo is civil war. We may not pay close attention to El Salvador, but at least we know that much.

So, I returned to my original thought that this was not the best of times to be debating El Salvador, and then it dawned on me that, for the first time in 10 years, we were timing our discussion exactly right.

For there has never been a greater time for peace in that country. To be sure, the bloodshed continues, and so does the terror. But for the past year there has been a credible and steady effort to reach a negotiated settlement. The U.N. Secretary General has sent one of his most trusted advisers, a man for whom I have great respect, to patch together a garment of reconciliation in a country which has known no peace for over a decade.

That peace process is working. Both sides have come together and some agreements have been reached. The rebel factions finally have accepted—as has our own Government—the reality that the war will only end in negotiated settlement. It is only a matter of time, I think, before we all can get on with the business of rebuilding El Salvador and helping it to become a full partner in the economic and democratic rebirth of Central America.

There is no doubt in my mind that what we do here today will have a significant impact upon El Salvador's chances for peace. After all, we bankroll El Salvador's military and prop up its economy. We are not mere observers to the tragedy, we are full participants in the tragedy and, therefore, especially it seems to me that we have to push for negotiations.

Of course, we cannot expect negotiations to be fully successful in this current climate. If I was playing cards with a known cheater I sure would not bet the farm on my hand.

Advocates of the administration's position on El Salvador would have you believe that the Salvadoran military is poor, that it is vulnerable, that unless this aid is made available whenever they ask for it, the 55,000 soldiers—the Army, Air Force, National Guard, Treasury Police, and the National Police—will be beaten by a ragtag bunch of teenagers.

Come on. Look at the profile of the military. It has a long history of power. The ruling juntas are gone, but the control is still there. And so is the appalling record of human rights abuse and intransigence.

Last year, I commissioned a report on the Salvadoran Armed Forces, to review the records of those in command. Most of the commanders had U.S. training. Many of the top officers came from the tandona, the 1966 class notorious for its resistance to reform. And most of the officers had charged to them instances of human rights abuse and corruption.

These are the men the administration's policy is protecting. It certainly is not protecting their victims.

Nor is the continuation of full—or nearly full—provision of military aid to the Salvadoran military protecting the peace talks. When we passed by overwhelming majority last year the law to withhold one-half of the military aid, we signaled that the U.S. Congress expected the military to participate in the peace talks. That we expected the military to help President Cristiani reach a negotiated settlement from the FMLN.

This withholding provision became law in November. Congress then went home, some of us feeling pretty good about the fact that we had finally achieved some balance in the policy toward El Salvador.

That balance was shattered right after Congress returned to Washington.

One of the first acts the 102d Congress was to receive was the President's finding that the money spigot should be turned on again.

Thankfully, the money withheld was not released immediately or completely. But it took a lot of work on the part of many of us to convince the administration that the decision to release aid was playing right into the hands of those who would rather not have the negotiations succeed.

We are discussing El Salvador again today in hopes that we can regain that balance. By voting for the amendment, this body again can make a commitment to peace through successful negotiations. The amendment restores the concept of pressuring both sides of the conflict by affirming the U.S. policy that the war cannot be won in battle, that it can only end by agreement.

Only by approving this amendment can Congress continue to promote the U.N. negotiation effort. Leaving the military aid decision to the administration only improves the chances that the military will get everything it wants. Everything the Pentagon wants, I might add.

Those who seek the status quo are promoting a United States policy which not only gives the Salvadoran military over \$85 million in military aid next year, but access to at least \$150 million which has been socked away over the years.

Does access to over 200 million dollars' worth of armaments symbolize restraint? Of course, it doesn't. But that is what you will be voting for unless you vote for Dodd-Leahy.

Over the years the debates on El Salvador have centered around what kind of signal the United States is sending. Now the opponents of the pending amendment would have you believe that this amendment somehow helps the FMLN. But we do not give the FMLN military aid; do we?

It is the Salvadoran military we are giving the license to kill—and the means. At the very least, let us not make our support unlimited. Congress has got to take some responsibility here.

I urge my colleagues to support the real progress made at the negotiating table by approving the amendment offered by Senator DODD and Senator LEAHY.

The PRESIDING OFFICER. The majority leader.

Mr. SARBANES. Mr. President, will the majority leader yield for a moment? I wish to commend the Senator.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the Senator from Oregon for a very powerful statement and a very cogent presentation of the arguments in support of the Dodd-Leahy amend-

ment, which I intend to support. As usual, the Senator from Oregon has offered a very perceptive analysis. I hope Members have had the opportunity to listen to this statement and will support the position he espoused.

Mr. HATFIELD. I thank the Senator.

Mr. WELLSTONE. Mr. President, I rise in strong support of this important amendment to S. 1435, the International Security and Cooperation Act of 1991, to build upon last year's legislation designed to foster a political settlement to the 11-year civil war in El Salvador. This amendment moves us another important step forward. I urge my colleagues to support it.

First, let me be clear. I believe that all military aid to El Salvador should be suspended until the Government of El Salvador makes significant improvements in its human rights record, and that all United States economic assistance to El Salvador should be strictly conditioned on human rights improvements. I am an original cosponsor of legislation to do precisely this, and have urged action on this bill.

This legislation, titled the "Peace, Democracy and Development in El Salvador Act of 1991," provides a focus and a framework for United States policy debates about El Salvador in the coming months. I have been encouraged to see the grassroots support generated on that bill since its introduction in March. I would like to submit a summary of that bill at this point for the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE PEACE, DEMOCRACY AND DEVELOPMENT IN EL SALVADOR ACT

(Legislation by Senator Brock Adams and Congressman Jim McDermott)

SUMMARY

The Peace, Democracy and Development in El Salvador Act revises United States policy in El Salvador, prohibits military assistance until certain conditions are met, withdraws military advisors, prohibits covert operations, establishes a fund for reconstruction, and restricts economic support funds for basic human needs. The proposal is designed to promote a permanent settlement to the conflict in El Salvador by providing incentives for negotiation, requiring respect for human rights, and promoting democratic reform.

Section One—Policy Statement: Establishes principal U.S. policy objectives in El Salvador: promotion of a peaceful settlement of the conflict, respect for human rights and advancement of national reconciliation. Encourages negotiations mediated by the United Nations and adherence to the Geneva, Caracas and San Jose accords. Affirms support for democratic, political, judicial and military reform. Establishes as important objectives of U.S. policy the prosecution of the murder of six Jesuit priests on November 16, 1989 and the murders of three U.S. military personnel on January 2, 1991. Supports the provision of economic aid which furthers reconstruction, economic development and social justice.

Section Two—Prohibition on Military Assistance: Prohibits all previously appro-

priated but unobligated military assistance from date of enactment and all military aid for fiscal years 1992 and 1993 unless the President reports that the Government of El Salvador has met all of the following conditions: (1) prosecution of all those responsible for the Jesuit murders; (2) extension of workers' rights to Salvadorans; (3) resolution of past human rights cases, including the assassination of Archbishop Oscar Romero, the murder of Mark Pearlman and Michael Hammer and the bombing of the FENASTRAS trade union office; (4) compliance with international standards of respect for humanitarian and medical workers; (5) control of the military and police by civilian authorities; (6) good faith participation in United Nations negotiations for a political settlement; (7) end of violence by security forces against civilian noncombatants. Furthermore, release of assistance is subject to an affirmative vote of Congress.

Section Three—Withdrawal of Military Advisors: Prohibits funds for stationing of U.S. military trainers or advisors in El Salvador.

Section Four—Covert Operations: Prohibits funds for covert operations in or covert assistance to the government of El Salvador.

Section Five—Demobilization, Transition, and Reconstruction Fund: Establishes a fund for the monitoring of a settlement of the conflict, the demobilization of combatants and the reconstruction of the country. Transfers all withheld military assistance to the fund, to be released upon permanent settlement of the conflict for.

Section Six—Restriction of Economic Support Funds for Basic Human Needs: Prohibits obligation of economic support funds for balance-of-payments or cash assistance and requires funds to be used for basic human needs, health care, agrarian reform and refugee resettlement to be administered, whenever practicable, through non-governmental organizations.

Section Seven—Congressional Review: Expenditure of funds under sections five and six shall be subject to congressional review.

Mr. WELLSTONE. While this legislation offers a framework for our future work on El Salvador, and must be considered seriously by the committee, today we have an opportunity to strengthen current law with respect to El Salvador in two significant ways.

First, this amendment would withhold 50 percent of all unspent funds allocated for military purposes that remains undelivered from prior fiscal years, in addition to withholding military funds allocated for this fiscal year. According to the Defense Security Assistance Agency, these so-called pipeline funds are approximately \$150 million.

Second, it would give the appropriate congressional committees of jurisdiction an opportunity to review any decision by the President to release or withhold military assistance, through normal budget reprogramming procedures under the Foreign Assistance Act.

I would like to include a summary of the amendment being offered today as well, to allow a side-by-side comparison of the two approaches.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE DODD/LEAHY AMENDMENT—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

Sets forth the following U.S. policy objectives with respect to El Salvador—

To promote a permanent settlement and cease-fire to the conflict through mediation by the U.N. Secretary General;

To foster greater respect by the Government of El Salvador for basic human rights and the rule of law; and

To advance political accommodation and national reconciliation.

Caps military assistance to El Salvador at \$85 million for FY 1992;

Prohibits all U.S. military assistance to the Government of El Salvador if the President determines and reports to the appropriate Congressional Committees, in accordance with reprogramming procedures under Section 634A of the Foreign Assistance Act of 1961, that any of the following is the case—

The Government of El Salvador has declined to participate in good faith negotiations;

The Government of El Salvador has rejected the mediating role of the Secretary General of the UN;

The Government of El Salvador is failing to conduct a professional investigation into and prosecution of those responsible for the November 16, 1989 murders of the six Jesuits and their associates; or

The military and security forces of El Salvador are assassinating or abducting civilians.

Underscores the U.S. commitment to the negotiating process by withholding 50% of U.S. military assistance which would otherwise be made available to the Government of El Salvador in fiscal year 1992, including 50% of any money in the pipeline from prior fiscal years, unless the President determines and reports to the appropriate Congressional Committees, in accordance with reprogramming procedures under 634A of the Foreign Assistance Act of 1961, that any of the following is the case—

The FMLN has declined to participate in good faith negotiations;

The FMLN has rejected a mediating role for the U.N. Secretary General;

The survival of the constitutional government of El Salvador is being jeopardized by a substantial military offensive by the FMLN;

Proof exists and has been provided to Congress that the FMLN continues to receive substantial military assistance from outside that country; or

The FMLN is assassinating or abducting civilians.

Terminates all U.S. economic and military assistance to the Government of El Salvador in the event of a military coup;

Establishes a "Fund for Ceasefire Monitoring, Demobilization and Transition to Peace", transfers military assistance withheld by the bill to the newly established fund, with the monies to be provided to El Salvador once a permanent settlement has been reached to support implementation of that settlement;

Strengthens civilian control over the military by mandating prior approval of all U.S. military assistance to the military and security forces by the civilian government;

Earmarks up to \$10,000,000 in ESF funds in FY 1992 to support democratic initiatives in El Salvador, including for National Endowment for Democracy programs, and international human rights monitoring efforts through the deployment of the U.N. Observer Force in El Salvador.

Fences \$5,000,000 in FY 1992 military assistance pending the investigation and trial of those responsible for the 1981 murders of the U.S. AIFLD workers, and the Salvadoran land reform activist; the 1988 San Francisco massacre; the 1989 murders of the six Jesuits and their associates; and the deaths of ten trade unionists resulting from the 1989 Fenestras bombing;

Authorizes periodic reports to the Congress.

Mr. WELLSTONE. In my judgment, Mr. President, congressional action taken last year on this issue provided the major impetus for the progress that has occurred in the negotiations thus far. Failure to sustain that pressure from the U.S. Congress through adoption of this amendment would likely be a serious blow to the negotiating process, because it will suggest a lack of serious commitment to U.N. negotiating efforts. Furthermore, it is likely to jeopardize action by Salvadoran judicial authorities to investigate and prosecute those responsible for the brutal murders of the Jesuits and others during the last year.

Mr. President, I need not rehearse the tragic tale of that tortured land, what Pablo Neruda called that slender waist of tears. For more than a decade, the people of El Salvador have struggled under the weight of a brutal and ruthless military that has engaged in widespread human rights abuses, including brutal torture and frequent extrajudicial executions. During the past decade, over 70,000 people have been killed, including tens of thousands of innocent civilians.

Last year, Congress broke important ground by voting to cut military aid to El Salvador by 50 percent and imposing stringent conditions on restoration of military aid. But today we stand in essentially the same place as last year: We are still sending over \$84 million annually in military aid to the Government of El Salvador and the violence and bloodshed continues unabated.

I believe our task today is clear, Mr. President. It is time to reverse our policy on military aid to El Salvador, not reaffirm it. The people of El Salvador deserve a chance for peace. The administration's reinstatement of military aid has seriously hampered movement toward peace in the region. It has prompted renewed repression by military and paramilitary forces, measured in a marked increase in threats and attacks against church leaders and members of social and political organizations, including the U.N. Commission of Verification of Human Rights [ONUSAL]. The human rights office of the Archdiocese of El Salvador, Tutela Legal, reports that during the first 6 months of 1991, the Armed Forces, including the United States-trained Atlacatl Battalion, were responsible for 42 political killings.

This legislation sends a strong signal that there is a large and growing num-

ber of Members of Congress on both sides of the political aisle unpersuaded of the need for additional military aid to El Salvador, especially as delicate U.N.-mediated negotiations are underway toward a peaceful political settlement. I urge its adoption by this body.

Mr. KENNEDY. Mr. President, I support the Dodd-Leahy amendment to withhold half of military aid to the Government of El Salvador and to condition the release of these funds on demonstrated respect for human rights and good faith negotiations by both the government and the rebels.

The goal of this amendment is to provide continued support for the United Nations-sponsored peace process between the Government of El Salvador and the rebels and to help end that country's long and bloody civil war.

Frankly, any additional aid to the Salvadoran military is objectionable. Our policy of seeking a military victory has cost United States taxpayers \$4 billion, led to over 70,000 deaths, and undermined El Salvador's fragile democracy. U.S. military assistance has made our country an accomplice in repression, in gross violations of human rights, and in unconscionable atrocities by rightwing death squads.

The Dodd-Leahy amendment is an important step toward full termination of aid. The days of blank-check support for the Salvadoran military should end.

Congressional action taken last year to suspend half of military assistance to El Salvador is largely responsible for the recent progress that has occurred under the U.N. peace process. Since the suspension of those funds, U.N.-sponsored talks have culminated in significant agreements with respect to human rights and political reforms. The peace process is currently focusing on a cease-fire and the integration of the rebels into the Salvadoran political system.

Today, the parties are closer to a negotiated settlement than they have been at any time in the past decade. The one stumbling block to a final settlement continues to be the reform of the military and security forces.

Failure to sustain this pressure through the adoption of this amendment would deal a serious blow to the negotiating process because it would suggest a lack of U.S. support for the U.N. peace effort. In addition, it would jeopardize prospects that Salvadoran judicial authorities will be able to prosecute military officials responsible for the brutal murders of the Jesuits. And it would reduce the government's incentive to insist on accountability from the armed forces.

Unconditional military aid to El Salvador would send a clear message to hardliners in the armed forces that now, at the most critical moment of the peace process, the United States is willing to ignore the military's brutal practices and flagrant violations of

human rights—violations which security forces and death squads are continuing to perpetrate.

Human rights groups believe that the armed forces are responsible for at least 42 political murders during the first 6 months of this year. Death squad threats and killings have continued at an alarming rate, and attacks and harassment with respect to church and humanitarian workers have increased in recent months.

The rebels have also been responsible for gross and inexcusable abuses. But the rebels are not being funded by U.S. tax dollars. And the rebels' abuses do not excuse the Salvadoran and international laws.

As the peace process in El Salvador approached its final stage, the military sent messages that increased democracy for Salvadoran society will not be tolerated. Following the Bush administration's misguided decision to release part of the suspended fiscal year 1991 military aid, El Salvador's Minister of Defense, Gen. Rene Emilio Ponce, stated that "The military option has not been exhausted."

This is a crucial time in the peace process. We cannot let the ultraright, antidemocratic forces in El Salvador prevent peace through the use of terrorism against innocent civilians. In light of the Salvadoran military's continued disregard for human rights, the imposition of conditions on the extension of military aid is a sensible approach by Congress to protect the rights of the Salvadoran people and sustain the U.N. peace process.

If United States aid to El Salvador is to be effective, it must promote respect for human rights, democratic institutions, and political stability. Unconditional funding for El Salvador's armed forces undermines the peace process, strengthens death squads, and leads to more atrocities by both sides.

The American people have not forgotten the massacre of the six Jesuit priests and their housekeepers. They have not forgotten the murder of Archbishop Oscar Romero. They have not forgotten the more 70,000 Salvadorans killed during this tragic civil war. They do not want the United States to continue to provide U.S. aid to the perpetrators of these crimes.

The Dodd-Leahy amendment is designed to bring these outlaws to justice, and end cruel civil war that has caused so much hardship in this small country. By withholding and conditioning military aid to El Salvador, Congress can renew the hopes of Salvadorans for a lasting peace, and help bring democratic reform and respect for human rights to these long-suffering people.

I commend Senators DODD and LEAHY for their effort, and I urge my colleagues to join them in supporting this important amendment.

SUPPORT FOR THE PEACE PROCESS IN EL SALVADOR

Mr. PELL. Mr. President, this amendment introduced by Senator DODD is an important measure that has direct bearing on the peace process that mercifully is taking place in El Salvador. I am honored to be a cosponsor. The process, which has moved slowly and painstakingly, and despite some recent difficulties, is definitely on a positive track. The Salvadoran Government and FMLN negotiators have agreed upon substantive issues dealing with political and military reform. These were adopted by the recently concluded National Assembly as amendments to the Constitution and await ratification by the new Assembly. The U.N.-mediated process is moving in such a positive direction that there seems to be a very real possibility of an agreement on a cease-fire in the next months.

Much of this progress must be attributed to the contribution made by the Dodd-Leahy legislation which we passed last year. By withholding 50 percent of the military assistance funds, and yet providing for its availability under certain circumstances, it has served to keep both the Government of El Salvador and the FMLN at the negotiating table.

This amendment, strengthened by some modification, will continue to be an effective instrument in support of the peace process and for pressing resolution of important human rights cases. With the focus on the peace talks, it is easy to forget that the war continues and that human rights abuses still are being committed by both sides. Furthermore, as we have been made aware by the dedicated work of Congressman MOAKLEY, the Jesuit case is proceeding at an excruciatingly slow pace with evidence of obstruction by the military authorities. Pressure has to be maintained on both sides of this conflict. This amendment by Senator DODD performs that function.

I urge my colleagues to support this amendment in the name of peace for the deserving people of El Salvador.

Mr. PACKWOOD. Mr. President, I oppose the Dodd-Leahy amendment to the International Security and Economic Cooperation Act of 1991 because now is not the time to withhold military aid from El Salvador during a delicate period of the negotiations. The Dodd-Leahy amendment is much stronger than last year's version, even in light of the promising progress that has been made. Furthermore, it threatens the prospects for peace in El Salvador—a peace which needs to be negotiated by both sides from a position of equal strength.

Last year, I supported the Dodd-Leahy amendment because I believed that withholding 50 percent of the military aid to El Salvador would provide

the right stimulus to the stalled negotiations between the El Salvador Government and the Farabundo Marti National Liberation Front [FMLN].

Last year's amendment worked. There has been a great deal of progress made on both sides. Both parties have agreed to significant measures that would protect human rights and ensure constitutional reform in El Salvador. This month, the United Nations will dispatch approximately 130 observers to El Salvador. The Truth Commission, agreed to earlier this year, will investigate major human rights cases since 1980.

Both the El Salvador Government and the FMLN have a long way to go to end the war in that troubled country. Both sides have committed deplorable acts that need to be addressed. Like my colleagues, I am horrified that these violations of human rights continue. It is my hope that the peace process will be able to negotiate the differences between both sides. In my opinion, adoption of the Dodd-Leahy amendment will not facilitate the peace process and end the civil war that has devastated El Salvador.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the Dodd-Leahy amendment on El Salvador.

The war in the small country of El Salvador has been going on for over a decade. Thousands upon thousands of innocent Salvadorans have been caught in the crossfire between the Salvadoran Government and the FMLN. We must do everything in our power to see that these killings stop. Mr. President, I believe that this amendment, if agreed to, will be an honest and cautious step toward this much desired solution.

Mr. President, Latin America has just concluded a historic meeting in Guadalajara, Mexico. The Iberoamerican meeting of the Presidents of Latin America, the Prime Ministers of Spain and Portugal, and the King of Spain, is the latest example of the region's desire to achieve regional peace. The only leader present at this summit, who was not democratically elected was Fidel Castro. This alone is a remarkable accomplishment when considering the situation in Latin America only a couple of years ago.

Mr. President, the statement issued by the President of Colombia, Mexico, Venezuela, and the Prime Minister of Spain at this summit is of historic importance. The Presidents reiterated their strong support for the Secretaries efforts to bring peace to this region. The Presidents have asked the FMLN to not introduce any new topics on the negotiations being carried out under the auspices of the Secretary General, since that could cause a setback in the advances achieved to date. On the other hand, the Presidents agreed that the constitutional reforms approved by the Legislative Assembly of El Sal-

vador on April 30, 1991, are crucial for advancing to a ceasefire, and should be discussed and ratified immediately by the new Legislative Assembly since they establish guarantees essential for the democratization of Salvadoran political life.

Mr. President, the Dodd-Leahy amendment we are discussing will do that. It will force both sides to negotiate to a successful culmination of the peace process as soon as possible. These Latin American leaders, that have long been involved in the regional peace efforts, are asking to continue with the negotiations until a final agreement is reached, and this can only be achieved if we agree to this amendment.

Mr. President, I urge my colleagues to vote for this amendment if in fact we want to bring this conflict to an end.

Mr. DIXON. Mr. President, the situation in El Salvador is once again the focus of attention in the Senate. After 11 years of war, 11 years of disappearances, 11 years of unanswered questions, the Senate must decide whether continued military and economic aid to El Salvador is warranted.

Some \$4 billion of total aid, and thousands of deaths have brought a war weary populace to place its hopes in U.N.-sponsored talks that proceed slowly, yet proceed nonetheless.

However, peace talks are not the only forum in which the opposing sides in this conflict face each other. Fighting, deaths, disappearances, and detentions continue. The Salvadoran military, never known for its ethical behavior, continues to round up peasants, shoot at will, and otherwise engage in behavior that should cause all people to think through our policy toward El Salvador.

The FMLN, on the other hand, is hardly the savior of the people. Blowing up electrical power stations, and other acts of destruction that have real impact on real people, are not negotiating tactics. They are the hallmarks of a group whose perceived influence is far greater than their actual strength, and who by no means, or stretch of one's imagination, speak for the displaced and oppressed. The truth is, nobody is speaking for them except for some brave leaders in the church.

The Salvadoran military is unable to defeat them militarily, and vice versa; hence, the negotiating table has become the new battlefield. Make no mistake about it, neither side has given up using guns and bombs to achieve its ends. We would be mistaken to focus solely on the continued fighting, or to focus solely on the negotiations. They are inextricably intertwined.

Into this soup comes our debate on military aid. Some advocate a total, immediate cutoff of military aid. While assuaging some constituencies, the effect of a total military aid cutoff likely would be an increase, in the short

term, of Salvadoran military abuses and repression, and a hardening of the military position at the negotiating table. Further, while a total military aid cutoff may warm the hearts of some, it is a cut and run attitude that will do little to achieve success at the bargaining table. Unilateral disengagement is not the answer.

Senator DODD's amendment, similar to legislation adopted by the Senate in the 101st Congress, continues the prudent policy of using our aid as leverage to the greatest extent possible. I talked recently about utilizing a carrot and stick policy in China. El Salvador is another country where such a policy has brought real results.

United States pressure can help bring about progress at the bargaining table, in the investigation of the Jesuit murders, and in the reform of the Salvadoran military. The mechanisms contained in the Dodd-Leahy amendment help to ensure that progress will continue.

I said last year that our military assistance was given with three goals in mind: First, to prevent the overthrow of the civilian government of the FMLN; second to professionalize the Salvadoran Armed Forces in order for them to do their job; and third, through United States training to develop an effective, ethical fighting force. Last year, I stated that the Salvadoran Armed Forces inability to meet all of these standards was the basis for my decision back then to support cuts and restrictions on further military aid to El Salvador.

Those standards still have not been met, and therefore, my decision to support cuts still stands.

One last point to make is the continuing case of the Jesuit murders. I was outraged at the time of the deaths, and remain profoundly troubled by the snail's pace of the judicial inquiry. While recognizing the difference of their legal system from ours, the legal process could certainly benefit from the full cooperation of the Salvadoran Armed Forces. All responsible for the murders of the Jesuits must be brought to justice.

Mr. President, I urge my colleagues to support the Dodd-Leahy amendment in recognition of a policy which has achieved results to date, and can bring results in the future.

I thank my colleagues.

Mr. KOHL. Mr. President, we have spent 10 years and \$4 billion in El Salvador. We have sent military advisers, political advisers, Government officials, arms, and cold hard cash. We have talked to Presidents and priests, to the right and the left, to generals and to peasants. We have protested killings, we have supported elections, we have watched a civil war. We have done a lot. But, Mr. President, there is one thing we have not done enough. We have not brought peace. The Dodd

amendment is an attempt to bring peace, and I urge my colleagues to support it.

Mr. President, the need for peace in El Salvador is clear. El Salvador has become so militarized that most of a whole generation of its young people have seen and used more guns in real life than the children of American taxpayers—whose money bought those guns—have seen on television. Roads that existed a generation ago are now barely navigable rockstrewn pathways. Desperate economic and infrastructure needs go unmet, while money is spent on bullets and military campaigns. And while the needs of the people in our own cities and towns have grown severe, we have continued to support El Salvador with almost \$1 million a day. What are we trying to do there, and why has it not worked?

Our commitment to the Salvadoran military began as part of our campaign to prevent the spread of communism. Despite the fact that communism has been discredited and that the revolutionary leaders no longer cling so closely to it, anticommunism still forms the basis of our steadfast and deadly opposition to the Farabundo Marti National Liberation Front, the FMLN. Now, Mr. President, I am no fan of the FMLN. I have seen too many revolutionary groups claiming to represent the views and needs of their people who then forget everything—save for maintaining their own position—once they gain power. But while I do not want to see the FMLN win, I am realistic enough to see that they can and will fight on indefinitely. And I can see clearly enough to admit that there has been and continues to be serious economic disparity in Salvadoran society. And I know for a fact that there are elements in the society who will ignore human rights as callously as those who killed six Jesuits, their housekeeper, and her daughter.

Given these factors, honest negotiations aimed at achieving peace with justice are the only hope for bringing an end to this tragic civil war. The fact that the U.N.-sponsored peace talks have already achieved some preliminary results is due, I believe, to the wise course that this body adopted last year when we withheld 50 percent of the military aid and placed restrictions on its release. Until that moment, the leaders of the Salvadoran Government and military simply did not have enough incentive to reach an agreement with their enemies. While we in the United States may have reached the conclusion that a military victory in the conflict is not possible, the gushing pipeline of United States military aid did not send that same signal to the Salvadoran military. I believe that a vote in favor of the Dodd bill is the best action we can take at this time to send the signals our country must

send—that we want and need a negotiated peace settlement now.

I have not reached this conclusion easily. There are delicate negotiations going on right now, and there is always the danger that a vote in Congress may upset the balance needed to reach an agreement. I originally supported the action taken by the House leadership to delay votes on El Salvador until after Labor Day as a way of giving the talks the space needed to succeed. But after that agreement was reached, President Bush decided to release aid that had been previously withheld and was waiting in the pipeline. I believe that unwise decision will have as much, if not more, impact on the negotiations than a vote on the Dodd amendment.

I have also received a letter from the Ambassadors of the Central American nations, on behalf of their Presidents, stating their support for continued U.S. military aid. They believe a disruption in this aid will disrupt the efforts of President Cristiani to reach a negotiated cease-fire. I do not ignore this advice lightly. Their countries have been deeply affected by past United States policies and peace in El Salvador is critical to their own future, so I have to respect their judgment.

But, Mr. President, I have to be realistic. These Presidents have also called for the FMLN to immediately lay down their arms and surrender. Much as I might like to see that happen, and much as I want to see the rule of law become preeminent in El Salvador, I simply do not believe we have reached that point yet. For example, we have not yet seen the murderers of the Jesuits brought to justice. If a crime that blatant can go unpunished, why should the FMLN ever believe that they will be a welcome or respected part of the political process if they lay down their arms? Much as I would like to believe that our military aid functions solely to strengthen the rule of law in El Salvador, the evidence of the last 10 years does not support that conclusion. Progress has been made, yes, but much more is needed, and I believe we must withhold more aid if we are to achieve it.

The Dodd amendment continues the course we laid out last year. It provides incentives for both the FMLN and the Government to negotiate in good faith. It provides incentives for justice to be done in the Jesuit case, and for the FMLN to respect human rights and to not jeopardize the survival of the constitutional Government or engage in kidnappings or assassinations. Withheld aid will be contributed to a fund for monitoring a cease-fire and helping in the eventual demobilization and transition to peace for the combatants. It also improves on last year's legislation, in that it will give Congress a greater say in whether the withheld aid is eventually released.

Mr. President, this amendment will keep the pressure on, and will keep Congress in a position of supporting the negotiations process. I want peace and justice in El Salvador, and I believe this legislation is the best way to get it.

Mr. CHAFEE. Mr. President, I would like to discuss the very important matter of military aid to El Salvador.

Senator DODD has introduced an amendment which is identical to legislation enacted into law last year—with two critical exceptions. First, the Dodd amendment would freeze 50 percent of the military aid for El Salvador which has been appropriated in previous years but not yet delivered. The bill enacted last year withheld only 50 percent of the aid appropriated in fiscal year 1991. Second, the amendment would give the House and Senate Committees on Appropriations and Foreign Relations the power to disapprove the President's release of military aid to the Government of El Salvador. In last year's bill, the President was allowed to make this determination on his own.

Like my colleagues, I am deeply concerned about the fate of El Salvador. I share the dismay of all moral people at the human rights abuses by both the FMLN guerrillas and government forces that have taken place in that troubled nation. But the primary focus for this debate is how the United States can best influence both sides to the Salvadoran conflict to negotiate in good faith so that this terrible civil war can be concluded.

I have heard from numerous constituents, from the State Department, from the ambassadors of all of the Central American democracies, and from the Salvadorans themselves—all with differing perspectives. All of these parties expressed that same desire that I have—to find a way to give the negotiations the kind of push forward that is needed to finally conclude the war in El Salvador. My fear is that the Dodd amendment, as currently crafted, is sufficiently different from last year's law such that it would not keep the proper incentives in place. That is, for both sides to negotiate in good faith.

The fact is that much progress has been made in the negotiations between the FMLN guerrillas and the Government of El Salvador. Since serious negotiations began last year, the government has made a number of significant concessions: It accepted a United Nations "truth commission" to investigate human rights abuses dating back to 1980; it agreed to establish a national attorney for human rights; it agreed to have the police and security forces removed from the Ministry of Defense and put under the control of a civilian ministry; it agreed to have the intelligence service removed from the military and placed under the control of the President; it agreed to reduce the size of the armed forces to prewar

levels; it agreed to the formation of an evaluation commission to review the human rights records of all military officers and decide who would stay in the service; it agreed to disband several infantry battalions; and it agreed to dissolve the civil defense forces.

For its part, the FMLN, in an historic move, allowed the recent election for the constituent assembly to proceed peacefully. In fact, parties aligned with the FMLN actually participated in the election and did quite well. This decision to participate in the democratic process bodes well for the guerrilla movement's eventual integration into a new peaceful El Salvador.

I think this progress proves that Congress was right in imposing the conditions of Dodd-Leahy last year. I am glad I voted for that provision. The primary basis for my decision to vote against the Dodd amendment this year is simple—I believe its passage will hinder the negotiations—not help them progress. We must remember that if the Dodd amendment is defeated now Congress will still retain the power to revisit this issue in the fall. It would be my preference that we let the parties continue their work this summer without outside interference from the United States. In the words of the Central American Ambassadors.

It is our belief that a cease-fire agreement is at hand. Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate * * * until after the August recess, to avoid sending a signal which could disrupt the peace process.

The issue before us is whether acting on the Dodd amendment will make the Salvadoran Government and FMLN guerrillas more or less likely to compromise. The House concluded that now is not the time to act, the Senate Foreign Relation Committee made the same decision. The Central American Ambassadors agree. After much thought, I have come to the conclusion that these groups are correct. We simply must give the peace process a chance to succeed.

I think it is also important to briefly address the issue of the President's discretion in making the determination as to whether or not the parties were complying with the conditions set out in the law last year. It is not a good idea to give the four committee chairmen the power to overrule the President's determination. This is a decision that should rest within the judgment of a single individual, namely the President. If Congress disagrees, it can always intervene.

I share in the hope that negotiations will proceed and that peace will finally take hold in El Salvador. It is with that in mind that I cast my vote against the Dodd amendment today.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request which seeks to identify

the Senators who will speak in the succeeding 65 minutes, following which the distinguished Republican leader will make a motion to table, and I am going to list the Senators in order and the times.

I am also going to add that the Senators have to be present when the time comes up or the time will be charged against them so that Senators can be aware of that. This follows consultation with the managers and Republican leader and Senators on both sides.

Mr. President, I ask unanimous consent that in the succeeding 65 minutes of debate the following Senators be recognized to speak in the order listed and for the time noted, and when all of that is used or yielded back, Senator DOLE be recognized to move to table the Dodd amendment; that if a Senator does not appear when his time is scheduled, that the time be charged against the time allotted to him.

Mr. President, I am advised that another Senator seeks time so I will modify my earlier aggregate to say 70 minutes.

Senator ADAMS be recognized for 5 minutes, then Senator HELMS for 15 minutes, then Senator KERRY of Massachusetts for 10 minutes, then Senator CRANSTON for 5 minutes, then Senator SPECTER for 15 minutes, then Senator DODD for 10 minutes, and then Senator DOLE for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

This means Senators should be aware that if all of this time is used, Senator DOLE will be speaking from 6:30 to 6:40, and that a vote on his motion to table the Dodd amendment would occur at approximately 6:40 p.m.

Mr. SARBANES. It is possible, of course, if Members do not use all their time or time is yielded back or if a Member does not appear in the schedule that the vote could occur earlier; is that correct?

Mr. MITCHELL. That is correct. The earliest it could be is 6:40; it may be earlier.

Mr. HELMS. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Yes.

Mr. HELMS. The understanding is if the vote to table failed, we will be back where we are.

Mr. MITCHELL. That is correct.

Mr. HELMS. There will not be an immediate vote.

Mr. MITCHELL. I beg the Senator's pardon?

Mr. HELMS. We will not attempt to have an immediate vote?

Mr. MITCHELL. There is no agreement other than that we are going to have these Senators speak up to the motion to table, and then the motion to table. There is no agreement beyond that.

Mr. HELMS. I want to make it clear so everyone understands. There was

some conversation about if the motion to table fails we will go later tonight.

Mr. MITCHELL. The Senator has that right. But there is no agreement one way or the other beyond the motion to table.

Mr. HELMS. I understand. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 5 minutes.

Mr. ADAMS. Mr. President, for 10 years we have been providing aid to the Government of El Salvador in an attempt to promote democracy. We have threatened, we have cajoled, we have promised. We have provided assistance, conditioned it, fenced it, and withheld it. And after 10 years we have very little to show for it.

Recently, yet another civilian—a watchman for an advocacy group for the urban poor—was brutally murdered, death squad style. And those responsible for earlier murders—of Archbishop Romero, land reform advisers Mark Pearlman, Mike Hammer, and Jose Viera, and the six Jesuit priests, to name only the most publicized—remain free, either because they were too high up to be charged or because they were released on Government amnesty programs.

Last year Congress embargoed, just as we are trying to do this year, half of the \$85 million in military assistance to El Salvador unless the President determined that the FMLN was not making a good-faith effort to negotiate.

In March, I introduced legislation (S. 601) that would cut off all military assistance to El Salvador unless the President determines that: those responsible for the Jesuit murders have been brought to justice; the Government has made every attempt to bring to trial those responsible for earlier assassinations, as well as for the bombings of the FENASTRAS headquarters in 1989; internationally recognized worker rights have been extended to Salvadoran workers; the Government is complying with international standards of respect for humanitarian and medical workers; progress has been made in vesting control over the Salvadoran military with the civilian government and in separating the police from the command of the Armed Forces; and that the Government is negotiating in good faith to achieve a political settlement to the nation's conflict, including that it not reject the U.N. plan as set out in the Geneva Communiqué and the Caracas Accord and that its military and security forces not engage in acts of violence against the civilian population. My bill would further direct the Congress to take consideration whether the FMLN has observed internationally recognized human rights and has made a good-faith effort at pursuing peace negotiations before it allows any military assistance to go forward.

Although I continue to believe in a full cutoff of military aid, I have been persuaded by the managers and by those who have offered this amendment that the best chance we have is to support the Dodd-Leahy amendment.

I want to make it very clear that I would cut off all military aid. But I know that the votes just are not there.

The Dodd-Leahy amendment would, again, withhold 50 percent of all United States military assistance to El Salvador authorized for fiscal year 1992 and for fiscal year 1993. It would also, however, withhold 50 percent of any military assistance that has already been authorized but not disbursed—an amount estimated at some \$150 million in the pipeline.

Finally, the Dodd-Leahy amendment would subject the release of these funds not only to Presidential determination but to a congressional reprogramming requirement, thereby giving the appropriate committees an opportunity for a review.

I will support that approach this time, Mr. President. Realistically, those of us who are opposed to aid to El Salvador have at this point no other option. So we will do so, and we will do so in good faith and in good heart.

But I think the United States should realize that we are now living in a new world and that military assistance to a country like El Salvador does nothing more than increase the level of weaponry used by the parties that are fighting this war. It does not help. It does not help at all. The Government has not improved. The military has not improved. The people do not have a better kind of life.

I, therefore, will support this amendment, but I reserve the right in the Appropriations Committee to raise my concerns again if we are unsuccessful in our efforts here today.

I thank very much the managers and the majority leader for giving me this time.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized for 15 minutes.

Mr. HELMS. Mr. President, I thank the Chair very much.

Mr. President, yesterday when I concluded a conversation with President Cristiani, I found myself wondering how he must feel about the eternal and continual attempt to pull the rug out from under him. And that is what this is.

There is nobody in this Chamber whose friendship I enjoy more than CHRIS DODD'S. CHRIS DODD meets with Cristiani, as do other Senators. And there is a merry-ha-ha and a great conviviality.

And here we go again—Senator DODD'S amendment—debating whether to pull again the rug out from under the democratically elected Government of El Salvador.

I am reminded of that old song, "Whoops, there goes another rubber tree plant." It happens continually.

This is the fifth time, Mr. President, since President Cristiani took office that amendments have popped up in the Senate to restrict aid to this man who is trying to save his country from being taken over by Communist guerrillas. I just do not understand it.

After a blustery debate last October, the Senate approved an amendment offered by the Senator from Connecticut to reduce this aid 50 percent. The provisions of the Dodd amendment currently pending are similar to the amendment passed by the Senate last year, except this version would restrict 50 percent of funds already committed but not yet expended—the so-called pipeline funds.

Frankly, Mr. President, I am at a loss to understand what further concessions would satisfy President Cristiani's critics—and the sponsors of the amendment currently under consideration.

Now, let us think a bit.

The Government of El Salvador has been negotiating with the FMLN guerrillas for almost 2 years. Recently, the parties reached an agreement that would implement sweeping constitutional reforms demanded by guerrillas. These reforms place the military under civilian control, establish a civilian police force, strengthen the independent judiciary, and create a special human rights prosecutor.

After the Government of El Salvador accepted these unprecedented constitutional reforms—and they were approved by the Salvadoran National Assembly—the Communist guerrillas did what? They decided to change the rules. That is the way it always works. We are playing right into their hands with amendments such as that now pending by the Senator from Connecticut.

The Communist guerrillas proposed additional conditions for a cease-fire, such as demanding that their combatants be incorporated into the Salvadoran Armed Forces. Oh, come on. In other words, the Communists are refusing to enter into a cease-fire unless they are allowed to become part of the Government without benefit of elections.

Mr. President, the actions of this Congress have, no doubt, contributed to this aggressive behavior on the part of the FMLN terrorists. By restricting aid to our allies in San Salvador, the guerrillas grow more confident with each succeeding vote in this Senate and this Congress. They believe that the United States is not firm in its commitment to support President Cristiani. Thus, they feel no compunction to negotiate seriously.

And yet when the Salvadoran President comes up here in perfectly good faith—and I am talking about Presi-

dent Cristiani—all of the Senators gather around him and tell him how much they like him and how much they want to help him. And then comes this kind of an amendment to pull the rug out from under him.

Let us not think for one moment, Mr. President, that all of these confrontations have been at the negotiating table. No way. Recently, the Salvadoran Communist terrorists have stepped up their war against innocent civilians. Just last week, two prominent Salvadoran businessmen were kidnaped. Both of these men were ARENA Party members. The FMLN has already claimed credit for the kidnaping of one of them, Gregorio Zelaya. It is also possible that the terrorists are responsible for the kidnaping a few days ago of Billy Sol—a very distinguished Salvadoran/American citizen. Indeed, the full story of Billy Sol's kidnaping is not yet known.

In my view, it is clear that the previous aid cutoff has encouraged this type of brutal, violent activity by the FMLN Communists. But such behavior by the guerrillas is nothing new. They have continued to wage war. President Cristiani, in negotiations with the guerrillas, has made one good faith concession after another in an attempt to bring about a peaceful solution. Yet the guerrillas appear to be more interested in using the negotiations as a propaganda front than arriving at a negotiated settlement.

Mr. President, this amendment calls upon both parties to negotiate in good faith to craft a peaceful settlement to the war in El Salvador. If the government fails to do so, then all the aid will be cut off. If the guerrillas fail to do so, then a withheld portion of aid can be released.

What sense does that make? Whose side are we on? A brief review of the negotiating process reveals that the Salvadorans have been negotiating in good faith, and the guerrillas merely continue to wage war.

In the past 2 years, representatives of the Government of El Salvador and the FMLN guerrillas have met a minimum of one dozen times. Both the government and the FMLN have submitted various proposals for consideration. Throughout the negotiations, the government has taken a reasonable and responsible approach.

Yet, Senators who are going to vote against Cristiani in just a few minutes were there standing with him, patting him on the back the last time he was here. I do not understand that kind of behavior. The government has responded to each of the FMLN's proposals one by one. However, the Communist guerrillas have responded by proposing new and harsher conditions at each step of the process.

The attitude of the guerrillas should not come as a surprise. Their commanders have stated that the negotia-

tions are merely an extension of the armed struggle.

Mr. President, throughout the 2 years of negotiations, President Cristiani has agreed to make major concessions, in an effort to achieve peace that we all talk about so eloquently on this floor. The government agreed to guarantee the safety and civic and political rights of the FMLN, and to adopt measures to incorporate the demobilized FMLN into the political process. The government agreed to expand the number of seats in Congress in order to provide more political representation of the minority parties. Consequently, the March 1991 elections resulted in the broadest political participation in El Salvador to date.

And that is not all. The government agreed to a dissolution of the security forces, to be replaced with a civilian police force. And the government agreed to establish an independent human rights prosecutor.

In response to all of this, the guerrillas have demanded—at various stages of the process—a complete dissolution of the armed forces before a cease-fire, exemplary trials of all accused of committing human rights abuses, complete replacement of the Salvadoran Supreme Court, and the abrogation of foreign military agreements. The list is endless—endless.

It appears to this Senator from the above that President Cristiani is indeed already negotiating in good faith, and the guerrillas are simply using the negotiations to continue their brutal quest for power.

No other face can be put on it. Their quest is indeed brutal. Recently, the FMLN guerrillas acquired SAM-14's and SAM-16's, the two most advanced surface-to-air missiles in the Soviet arsenal. These weapons of destruction were obtained by the FMLN through their Communist cohorts in Nicaragua and Cuba. They have employed these weapons against the Salvadoran Air Force, shooting down two aircraft and forcing the Salvadorans to change their deployment of air power. In addition, shortly after the Senate passed this very same amendment last year, the FMLN executed in cold blood two American servicemen whose helicopter they had shot down.

Do we forget so easily? What is afoot in this Senate Chamber? Just this month, the FMLN terrorists attacked the country's largest prison, freeing 131 prisoners. They bombed a National Police patrol vehicle, attacked two army installations, and killed or wounded more than 600 Salvadoran military troops. Most recently, the FMLN launched a major military operation on July 8, to coincide with the recent round of peace negotiations.

And just yesterday, to bring us up to date, the Communist guerrillas struck again. An off-duty captain in the Salvadoran Army—dressed in civilian

clothes—was assassinated by the FMLN as he was driving to his office. His body was riddled with 38 bullets, and he was left lying in the middle of the highway.

Mr. President, I have compiled a list of significant FMLN actions since January 1991. I ask unanimous consent that this list be included in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. HELMS. The point is clear—while the terrorists talk peace, they wage war.

Mr. President, I hope it is clear to the Senators that the amendment before us is even more sweeping than current law.

In addition, I will reiterate for the purpose of emphasis, in addition to withholding 50 percent of El Salvador's military aid for fiscal years 1992 and 1993, this amendment would also withhold 50 percent of aid already in the pipeline. Altogether, a total of \$160 million in military aid to be cut off next year alone. Moreover, the Senator from Connecticut and the Senator from Vermont are prepared to cut off President Cristiani's support 2 years down the road.

As is true of current law, this amendment would hold the freely elected government of President Cristiani to rigid standards not required of the Communist guerrillas. If these conditions are not all met, the President could cut off all military assistance. In such a case, aid could be restored only with another vote by Congress.

Mr. President, I believe I have made my point. President Cristiani has made every change possible to achieve peace in El Salvador. He has made concessions to the FMLN, and he has made concessions to the Democrats in the U.S. Congress. Yet now the Senator from Connecticut and the Senator from Vermont are asking President Cristiani to surrender El Salvador to the Communists.

Mr. President, I ask unanimous consent that a copy of the agreement reached between the Government of El Salvador and the FMLN guerrillas at Mexico City—and approved by the Salvadoran National Assembly—be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

FMLN TERRORIST ACTIVITY IN 1991

February 26: The FMLN launched a new attack against civilians in San Salvador. Guerrilla troops wounded several people and took hostages.

February 27: Terrorist activity continued in San Salvador, killing at least three Army soldiers.

April 28: The FMLN staged 23 separate attacks on the country's electric power grid, producing a rationing of electricity and straining the water supply.

May 4: Rebels attacked the Cerron Grands hydroelectric dam, causing an estimated half million dollars in damage, major power outages and extensive rationing of electricity.

May 8: Four utility poles were dynamited near the town of Aguilares, 34 km from El Salvador. Two security guards were wounded as rebel troops made three drive-by and small rocket attacks against military administrative offices in San Salvador.

May 15: One member of the Armed Forces was killed and three others wounded as FMLN forces attacked the hydroelectric dam near San Vicente. An explosive device was found attached to an Armed Forces vehicle parked at the Defense Ministry complex at the capitol.

May 17: Two policemen were killed and four others injured when a remote control bomb was detonated on a delivery truck on the outskirts of El Salvador. Rebels attacked an electric company sub-station near Soyapango, wounding four civilians and one Treasury policeman.

May 18: The FMLN issued death threats against mayors and justices of the peace and their families in Usulután Department in an effort to demonstrate territorial control.

May 22: The FMLN fired ten rocket and mortar rounds at a military installation in San Salvador; but, nine of the ten rounds landed instead in a civilian neighborhood. Two women were killed, and at least two children and several other civilians were wounded; and several homes were either damaged or destroyed. At the military installation, three soldiers were wounded.

May 28: Four people were injured and several homes damaged as rebels tried to rocket the First Brigade and instead detonated against a tree in a civilian housing complex.

May 30: A police officer was assassinated by rebels in a restaurant in San Salvador.

June 17: The FMLN assassinated Capt. Carlos Aviles, an administrative officer, on his way to work in El Salvador.

June 19: A guerrilla attack on the country's largest prison freed 131 prisoners and left 15 people dead, including at least 9 prisoners killed in crossfire.

July 3: Rebels bombed a National Police patrol vehicle in San Salvador, killing one and wounding three others. Also a guerrilla unit attacked two army installations and exploded an electrical substation using "RPG-7" mortars. In addition, the rebels opened fire in a Western residential district, killing one policeman and injuring four others.

July 9: A total of 153 government troops were killed or wounded in heavy fighting in seven of the country's 14 provinces. As peace talks resumed in Mexico City, rebels wielding automatic weapons, rocket launchers, and mortars seized control of several small Salvadoran towns. In Nueva Concepción, rebels mortar-bombed a bank, destroying it, and attacked the National Police Headquarters.

July 10: One person was killed and two injured in an attack on a government office by the FMLN.

July 11: FMLN commandos attacked an army patrol in San Salvador, killing two troops, while guerrillas also barricaded the highway leading to the capital.

July 12: More than 100 FMLN rebels ambushed an army lorry and killed two soldiers before seizing the town of San Jose Las Flores as government forces were advancing to recapture the town.

July 13: Rebel radio claimed FMLN forces had killed or wounded 403 army soldiers since launching its new military operation on July 8 to coincide with the four-day peace talks held in Mexico.

EXHIBIT 2

MEXICO AGREEMENTS

The Government of El Salvador and the Farabundo Martí National Liberation Front (hereafter, the "parties").

Reiterating their intention of quickly advancing toward the reestablishment of peace, national reconciliation and the reunification of Salvadoran society, pursuant to the common will of the Salvadoran people, as stated by both Parties in the Geneva Agreement of April 4, 1990;

Considering that the peace negotiations that are taking place pursuant to said Geneva Agreement and to the Caracas Agenda of May 21, 1990, require various constitutional reforms which gather together the political agreements originating from them;

Keeping present that it is urgent that those constitutional reforms about which the Parties have reached agreement be submitted to the Legislative Assembly, whose mandate ends on April 30, 1991, even though those reforms are partial or do not completely exhaust the subject under the terms foreseen by the Caracas Agenda;

Considering that the diverse matters on which agreements have been achieved can be put into practice through secondary legislation or through new political agreements which develop in the constitutional text;

Have reached the agreements which are summarized below and which encompass the constitutional reforms and matters that were relegated to secondary legislation as well as other political agreements:

I. ARMED FORCES

1. Agreements on constitutional reforms that are designed to:

a. Define with greater clarity the subordination of the Armed Forces to Civilian Authority.

b. Create a National Civilian Police to preserve peace, tranquility, public order and security, in urban as well as in rural areas, under the direction of civilian authorities. It is expressly understood that the National Civilian Police and the Armed Forces will be independent and shall be under two different ministries.

c. Create a State Intelligence Agency, independent of the Armed Forces and under the direct authority of the President of the Republic.

d. Redefine military justice in order to assure that its jurisdiction is limited to only those cases that exclusively affect a strictly military judicial interest.

2. Other matters that were on the negotiating table were remitted to secondary legislation or to the group of political accords covering the Armed Forces. Among these are included:

a. Paramilitary forces.

b. Forced recruitment.

c. Matters relative to the management of public security forces intelligence organizations.

d. Matters relative to the enlisted members of the Armed Forces and National Civilian Police.

e. In the professional development of the members of defense and public security forces, emphasis should be placed in the preeminence of human dignity, democratic values, respect for human rights, and the subordination of these forces to constitutional authorities.

All of this without prejudicing all other matters which are pending on the issue of the Armed Forces, about which the Parties reaffirm their willingness and their hope to achieve global accords in the immediate phase of negotiations.

II. JUDICIAL SYSTEM AND HUMAN RIGHTS

1. Agreements on constitutional amendments destined to improve significant aspects of the judicial system and to establish mechanisms to guarantee human rights, such as:

a. A new organization of the Supreme Court of Justice and a new way to elect its justices. From now on, to elect the Justices of the Supreme Court of Justice a two-thirds majority of deputies elected to the Legislative Assembly will be required.

b. An annual allocation to the Judicial Branch of a portion of the State budget equal to not less than six percent (6%) of regular revenues.

c. Establishment of a National Solicitor for the Defense of Human Rights, whose essential mission will be to promote human rights and ensure that they are respected.

The Attorney General of the Republic, the Solicitor General of the Republic and the National Solicitor General for the Defense of Human Rights shall be elected by two-thirds of the elected deputies in the National Assembly.

2. Other matters that were on the negotiating table were remitted to secondary legislation and other political agreements. Although still to be negotiated are a group of political agreements covering the Judicial System that the Parties have foreseen within the Caracas Agenda, in the course of the present round of talks, and they have reached the following agreements:

a. National Council on the Judiciary

It has been agreed to redefine the structure of the National Council on the Judiciary so that it can be made up in such a way as to ensure its independence from the other agencies of the State and from political parties. Also, its membership should include not only judges, but also sectors of society that are not directly connected to the administration of justice.

b. Judicial Training School

It will be the responsibility of the National Council on the Judiciary to organize and administer the Judicial Training School whose objective will be to ensure the continued improvement of the professional formation of judges and other judicial officials.

c. Judicial Careers

Secondary legislation shall provide that admissions into a judicial career shall be made through mechanisms that guarantee objectivity in selection, equal opportunity among applicants, and merit in selections. These mechanisms shall include tests and courses in the Judicial Training School.

III. ELECTORAL SYSTEM

1. Agreements on constitutional amendments destined to:

a. Create a Supreme Electoral Tribunal to replace the Central Electoral Commission. The Supreme Electoral Tribunal shall be the highest administrative and jurisdictional authority in electoral matters. It has been agreed that its composition will be defined by secondary legislation, in such a way that no party or coalition of parties will dominate. Also, it has been agreed that the Supreme Electoral Tribunal will be made up of members without party affiliation, elected by a qualified majority of the Legislative Assembly.

b. It has been likewise agreed that the legally registered political parties will have the right to monitor the development, organization, publication and updating of registered voter lists.

2. Other matters before the negotiating table were referred to secondary legislation and to other political accords. Even though a

group of political accords regarding the Electoral System are yet to be negotiated as contemplated within the Caracas Agenda, during the course of the present round the Parties have reached the following agreements:

a. The development of a voter registration list should be done to permit publication of lists of citizens with the right to vote at least twenty days prior to election day. A simple and expedited procedure shall be established to make legitimate corrections requested by any interested party.

b. Within sixty days following the installation of the new Supreme Electoral Tribunal, a Special Commission shall be established presided by it and including representatives of all legally registered parties, and which may include independent experts, to draft a bill of general reforms to the electoral system.

IV. TRUTH COMMISSION

It has been agreed to establish a Truth Commission, composed of three persons appointed by the Secretary General of the United Nations after hearing the opinion of the Parties. The Commission shall elect its President. The Commission shall be charged with the investigation of serious acts of violence which have occurred since 1980, whose impact upon society urgently demands public knowledge of the truth. The Commission shall take into account;

a. The singular transcendence that can be attributed to the facts to be investigated, their characteristics and repercussions, as well as the social commotion they originated, and

b. The need to create trust in the positive changes that the peace process propels, and to stimulate the path toward national reconciliation.

The characteristics, functions, powers and other matters dealing with the Truth Commission are set forth in the corresponding attached document.

V. FINAL STATEMENT

The Parties state for the record that all of the above represents a summary of the principal political accords reached thus far in the round of negotiations which were held in Mexico City between April 4, 1991 and the present. Said summary in no way may diminish, misconstrue or contradict the actual text of the totality of all accords reached, which are enclosed with this document.

Likewise, the Parties reaffirm their commitment to execute all actions necessary to give full observance to what has been agreed. In particular, the Government of El Salvador solemnly commits itself to move the incumbent Legislature to approve the constitutional amendments agreed to between the Parties in this round of negotiations. Ratification of these amendments shall be the subject of consideration within the framework of these ongoing negotiations, within the context of the calendar schedule for the implementation of future accords.

The Parties agree to continue the negotiations within a concentrated scheme, which will continue the discussion of the topics agreed to under the Caracas Agenda, in order to achieve, with priority a political accord on the Armed Forces and the agreements necessary for a cease-fire subject to United Nations verification:

These negotiations will require additional careful preparation, building upon the important work already advanced during the past few months and much more intensely during the last few weeks. This preparation is inherent to the negotiating process, so that it cannot be considered to be inter-

rupted. In essence, a brief direct meeting of an organizational nature is envisioned during the beginning of May, and a renewal of direct negotiations during the second half of May. As usual, neither the dates nor the site will be announced beforehand.

VI. UNILATERAL STATEMENT OF THE FMLN

The FMLN states for the record that the drafting of Article 211, which defines the Armed Forces as a "permanent" institution does not conform to our position on the matter; and considers that certain constitutional amendments are still pending, including demilitarization, Article 105 regarding the limits of farm land, and the need to broaden the mechanism of amending the Constitution, whether through changes to Article 248 or by way of other procedures, such as a popular referendum. On all of these points, the FMLN holds to its positions.

Mexico City, April 27, 1991.

On behalf of the Government of El Salvador:

Dr. Oscar Santamaria.
Col. Juan Martinez Varela.
Col. Mauricio Ernesto Vargas.
Dr. David Escobar Galindo.
Dr. Abelardo Torres.
Dr. Rafael Hernan Contreras.

On behalf of the Farabundo Marti National Liberation Front:

Commandante Schafik Handal.
Commandante Joaquin Villalobos.
Salvador Samayoa.
Ana Guadalupe Martinez.
Representative of the Secretary General of the United Nations: Alvaro de Soto.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts in recognized for 10 minutes.

Mr. KERRY. Mr. President, I heard my distinguished colleague from North Carolina ask a question during his comments, Whose side are we on? I think that is a good question to ask. Whose side are we on, if we are not on the side of the Salvadoran military; we are not on the side of the FMLN. We are on the side of the people of Salvador. We are on the side of the peace process. We are on the side of trying to stop the killing that has gone on there for years, and trying to hold some leverage over this process in order to bring the parties to the table.

We are not on the side of the Salvadoran military. But, if you give money that is absolutely unfenced, it is the equivalent of saying we are on the side of the military, and neither for the people of Salvador nor for the process that we have put in place, to try to have a justice system and all of the other reforms that we seek.

I asked my colleagues to think about this amendment hard, and I know they will. This amendment basically keeps in place the law we established last year. Does it change it marginally? Yes; it changes it marginally. What it does is hold more money back because there is money in the pipeline.

But that money ought to be subject to the same concept of serving as a carrot for both sides as any other money. If the money we are willing to appropriate now can leverage it, surely the money that is already in the pipeline only leverages it that much more.

The fact is that the U.S. Congress last year—and the President joined us by signing it into law—created an important incentive process.

And that incentive process has, in fact, gotten the parties together and created a process that has been important. I think it is important for people to remember that the process we have in place of withholding money works to the detriment and to the benefit of the FMLN or of the Salvadoran military in an equal fashion. If one breaks the process, the other suffers by having the money withheld or by having the money released. Nothing, it seems to me, could be more in keeping with the spirit of this Congress' effort to foster democracy in a system that is projustice.

It is true, and my colleague has mentioned it, that technically in El Salvador the FMLN broke the process by arming itself from outside and, indeed, that technically released the money. But if you are going to apply the law in that way, then you also have to apply it equally, as we do in this country. That means that you make a judgment, that the law required, about whether or not we had a serious process in El Salvador to try to bring to trial those members of the military who were involved in the murder of the priests and the worker and her daughter at the university. In fact, Mr. President, that investigation into those crimes has been seriously flawed and, therefore, the military aid should have also, strictly speaking, under the law, been withheld and stopped months ago.

I heard my colleagues on the other side argue: Look, if you do this, then you undermine President Cristiani because you condition military aid.

But the fact is that President Cristiani needs extra tools in order to be able to deal with the military. He needs the assistance of the United States that is willing to say to the military, if you do not adhere to certain standards, we will begin to pull back the assistance. That is a very important lever for Cristiani, not a restraint.

I think, if we look at the way in which this amendment has been constructed by Senator DODD and Senator LEAHY, it is clear that there are equally strong incentives for the FMLN to negotiate seriously. What are we asking the FMLN to do? Measure it from President Cristiani's point of view. We are asking them to negotiate seriously. Surely, that does not undermine President Cristiani. We are asking them to refrain from attacking civilian targets. How does that affect President Cristiani? Positively, I submit. We are asking them to refrain from new offenses. We are asking them to stop acquiring new and more advanced arms.

What is there in any one of these conditions that somehow could weaken

President Cristiani? What about the conditions that we place on the armed forces? I ask my colleagues to think about those. We are asking the armed forces to respect human rights. We are asking the armed forces to see that justice is done in the Jesuits' case. How can anyone consider those onerous conditions that we would be unwilling to pass in the U.S. Congress? Those are propeace, prodemocracy, pro-Cristiani conditions.

Others say this is not really the right time to consider this amendment. We ought to give it a delay and give peace a chance. Mr. President, I respectfully submit that is exactly what this amendment does. It strengthens the forces of peace. Its approval will help both those within the Government and the FMLN who are trying desperately to settle this conflict not through the gun, but through the ballot box.

Some say that this amendment ought to be defeated because the FMLN has assassinated civilians, because it has dragged its feet at the bargaining table, and because it has obtained arms from outside the country. I submit that is exactly why this amendment ought to be adopted because it is the only means of proving to the FMLN that there is an alternative to having to continue to do that. If there is a sense within those forces in the FMLN that want peace that the United States is serious about holding the Salvadoran military accountable, then there is greater capacity for those people to convince their colleagues to buy into the peace process.

But if, on the other hand, they see a United States, no matter what good faith they show in negotiating, no matter what process is engaged in, that we are going to willy-nilly provide money to the Salvadoran military, they throw up their hands and say, no one is serious; the only way for us to reform El Salvador is by the bullet and not the ballot box.

Mr. President, I think we have to keep the pressure on the FMLN. There is not one Senator who supports this amendment who will not admit that the FMLN has been guilty of egregious violations of human rights and, indeed, have at times been acting in ways that are politically stupid or contrary to the very process of peace. That is true. But we are not going to solve it by giving unfettered funds to the Salvadoran military and, in a sense, turning our back on the process of reform.

Mr. President, I submit to my colleagues, we do not know the full extent of the case of the Jesuits, but I will tell my colleagues what we do know. We do know that the military officials have obstructed justice. We know that they have destroyed evidence. We know that they have committed perjury. We know that they have concealed the truth. And we know that the current Minister of Defense knew very soon after the

murders which unit was responsible, and he did nothing. We do know that whenever someone has gone forward with information in order to try to resolve this case, they have been bullied and they have been threatened and intimidated unless they were silenced and pulled back from exposure of it.

So I ask again the question of my colleague: Whose side are we on? We are on the side of fairness, Mr. President. We are on the side of a peace process. I do not believe that we can give unfettered funds to a military that is willing to kill priests, kill women and children with our taxpayer dollars supporting them. We have a responsibility to hold both sides accountable. We have the responsibility to do the very kind of thing that Jim Baker has so effectively been trying to do in the Middle East and that we have tried to do in other parts of the world. It seems to me that El Salvador should not be the exception; it should adhere to the rule. We should be on the side of the people of El Salvador. I hope my colleagues will not break this process apart but, rather, will adopt an amendment that strengthens our ability to hold those who want to break the peace process and to hold those who want to violate human rights with impunity accountable. That will be done by adopting this amendment.

MR. PRESIDENT, I yield back whatever time remains to me.

MR. SPECTER addressed the Chair.

The PRESIDING OFFICER [Mr. HARKIN]. The Senator from Pennsylvania.

MR. SPECTER. Mr. President, Senator CRANSTON was due to speak next. He has not arrived on the floor. I am scheduled to speak following Senator CRANSTON. So I ask unanimous consent, in order to expedite the business of the Senate, that I be permitted to speak now for 15 minutes and then Senator CRANSTON to speak when I conclude, in turn.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized for 15 minutes.

MR. SPECTER. I thank the Chair. Mr. President, earlier today, I had a brief colloquy with the distinguished Senator from Indiana [Mr. LUGAR] and had stated at that time my intention to have a colloquy with the sponsor of the amendment, Senator DODD, as well. Since that time, the majority leader came to the floor in an effort to move the process along and has propounded the unanimous-consent agreement so that the time is now limited. That is a word of explanation as to why there is not a colloquy with Senator DODD as well.

It is my intention, Mr. President, to vote against tabling because I believe that this is a significant matter which ought to receive further consideration by the United States Senate. If the amendment offered by Senator DODD is

not tabled, there will then be an opportunity for second-degree amendments, further proceedings which may limit, clarify, or modify what Senator DODD has proposed.

But it seems to me on the state of the record at this time, we ought not to summarily dismiss the Dodd amendment without further consideration and without further analysis.

I have had a considerable interest in this issue, Mr. President, during my tenure in the United States Senate and have made three trips to El Salvador; I proposed an amendment in the 1983-84 period limiting by 30 percent the United States assistance available until El Salvador brought to trial the perpetrators of the murders against the four nuns; I have offered a series of amendments on judicial reform, have had extensive discussions with key representatives of the State Department, including two talks with the Honorable Bernard Aronson, Assistant Secretary of State for Inter-American Affairs, yesterday and today. It is a matter which is very important and is not free from doubt.

I voted against a somewhat similar amendment offered by the Senator from Vermont [Mr. LEAHY] back on November 20, 1989, when Senator LEAHY offered an amendment to limit U.S. funds for military aid conditioned on bringing to trial those responsible for the murder of the six Jesuit priests. I did so because at that time it seemed to me unrealistic and unwise to impose that kind of limitation in that timeframe, where it was not really feasible to bring to trial the perpetrators since the investigation had not been completed and the indictments had not been brought. The trial could not be brought into fruition in such a short period of time.

I reference that to demonstrate my views on this issue depend totally on the facts, at least as I see them.

I have a real question, Mr. President, as to the use of United States funds for military aid in El Salvador in any event. I say that because the evidence is not present about a Soviet threat. It is the candid statement of representatives in the State Department that the Soviets are being cooperative in the efforts to and the fighting in El Salvador.

This is consistent with the deescalation of tensions around the world and U.S.-U.S.S.R. cooperation to try to defuse the conflict in Cambodia, Angola, and Afghanistan. There is the question of involvement of Cuba, but it seems to me that there is a real question as to a threat to the United States being posed by military actions in El Salvador. Certainly it is far different from the time when the Soviet Union was engaged in adventurism and a Soviet encroachment in the Western Hemisphere posed a real threat to the United States.

This is a special concern, Mr. President, in light of the very severe budget crisis in the United States and in the many problems which we face on a day-to-day basis. I would reference the Presiding Officer, the distinguished Senator from Iowa to the work which he and I do together on the Subcommittee of Appropriations on Labor, Health and Human Services and Education and the grave difficulties we have and how we would like to have, love to have, an additional \$85 million.

On Monday of this week, I visited York County, PA, and found a very severe drought. Corn is supposed to be "as high as an elephant's eye" not only in Iowa but in my State, Pennsylvania, around this time of the year. This year, however, it is somewhere between the ankles and knees.

Tuesday, I participated in hearings on the Veterans' Affairs Committee where we have gulf veterans back who are in need of counseling and additional assistance not rendered by the Veterans' Administration.

Yesterday, several thousand unemployed Pennsylvanians gathered in front of the Department of Labor asking for an extension of unemployment compensation.

There are many places where there is a real urgent, pressing need for whatever funds are available by the United States.

When the issue arises as to what is happening on the trial of the six Jesuit priests and others who were murdered back in 1989, I must say, Mr. President, I am totally dissatisfied with what has occurred.

I am equally candid to say that I do not know if additional pressure on President Cristiani will prove anything. On all sides President Cristiani has been praised. I would join in the praise in terms of what he has tried to do under extraordinarily difficult situations.

But the fact is that the Government is responsible for the administration of all facets of El Salvador, including the judicial system, where the Jesuit case, simply stated, has not gone forward.

I made a trip to El Salvador in April 1990 and met with Salvadoran Supreme Court Justice Dr. Morico Gutierrez and the trial judge, Judge Samora, and discussed at length with them the proceedings which were being undertaken at that time. This is in line with the continuing interest which I have had in the judicial system in El Salvador. I have offered a series of amendments over the years to add funds and procedures which would try to bring the El Salvadoran judicial system into some phase of realistic jurisprudence. That, regrettably, has not happened.

The reports—and I tell you this again candidly, Mr. President; it is very hard to assess what the facts are. You have representations on all sides. There have been a number of representations,

which I believe to be factual, that in January 1991, Henry Campos and Sidney Blanco resigned as the Salvadoran Government prosecutors in the case explaining that Salvadoran officials were obstructing justice. They accuse their former boss, Attorney General Roberto Mendoza of—and this is according to the Miami Herald of May 3, 1991, "expressly forbidding them from cross examining army officers and of ordering them not to file perjury charges against witnesses who lied under oath."

Much more has to be done, I submit, in bringing to conclusion the trial of those who murdered the six Jesuits. The record on human rights in El Salvador is in need of urgent repair.

In sum, Mr. President, it seems to me that the allocation of additional funds in El Salvador is highly suspect. The dominant party in control constitutes the Government in El Salvador and only through pressure on this Government are we most likely to produce results.

Progress has been noted, and the subjects that I had intended to discuss with the distinguished Senator from Connecticut [Mr. DODD] related to why now, as opposed to September when we have a vote on the foreign aid bill should we vote on this issue. But the matter is before us and whatever we say is going to be noted. It is highly likely that this vote is more symbolic than real. It appears that there is a very substantial amount of funding in the pipeline at the present time, \$132 million. So there is a real doubt as to whether \$85 million is needed in any event. The conditions which have already been imposed most probably apply to those funds which are already in the pipeline. Conditions have been imposed on some of the moneys. Which of the moneys? How do you trace them? How do you know? Nobody knows for certain. If it is first-in, last-out, therefore, it would seem to this Senator that the funds which have not yet been expended would have those same conditions appended to them.

But this legislation has a long way to go, Mr. President. This legislation has to go through conference, and the legislation last year was materially changed.

This legislation will have to face a Presidential action which very well may produce a veto. Even if an authorization bill is enacted, there has to be the appropriations process. We are going to be back here in September rounding up "the usual suspects" as they did in Casablanca, and the same speeches are going to be going on again at that time as they are going on now.

But on balance, it is my view that it is not wise to authorize \$85 million without limitations; that the strongest approach to be taken by the U.S. Senate today is not to dismiss summarily the amendment by the Senator from

Connecticut. If this amendment is defeated summarily on a motion to table, then I think it is likely that some, perhaps many, in El Salvador will say, well, we do not have to worry about the restrictions; the latest word from the U.S. Senate is they do not really care about it.

The record is replete with shifts in United States policy in Nicaragua, and shifts in United States policy around the world. Last year we supported conditions. I joined with the amendment by the Senator from Connecticut and the Senator from Vermont. I believe that the best approach is to proceed in the same manner.

For those reasons, Mr. President, it is my intention to vote against tabling the Dodd amendment. I know we have a great deal of business. But this matter is worthy of our attention. There are substantial moneys involved. There are substantial issues involved.

We ought to be considering this further so that if this tabling motion is defeated, it does not mean the amendment is to be enacted. It simply means we go forward, and there could be a second-degree amendment or other amendments which might modify the picture, have some different configuration which may well be preferable to the amendment which Senator DODD has offered.

I thank the Chair. I yield the remainder of my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Under the previous order the Senator from California is to be recognized for 5 minutes. Time will be charged to the Senator from California.

The Senator from Connecticut.

Mr. DODD. My understanding is that the Senator from California is making an effort to come to the floor but may be unable to make it. So with the Chair's permission, I will proceed because I think I am the next person on that list to be heard. If he comes to the floor, then I will cease my remarks and given him an opportunity to make a statement, but if not I think I would like to proceed, if that is appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I have listened here. There have been a number of speakers in the last couple of hours on this matter. I want to commend my colleagues on both sides for their expressions.

Certain things prevail as I listened to the various speeches regarding this amendment that I have offered along with my colleague from Vermont. Obviously all of us are anxious to see an end to the bloodshed; 75,000 people have lost their lives.

It is not insignificant that I would point out that the American taxpayer has subsidized this effort over the last 10 years to the tune of \$4 billion; in excess of \$4 billion for a nation that is

about the size of Massachusetts. We have done that because we have tried to assist in bringing an end to the conflict. But nonetheless that is a substantial amount of money. What we are trying to do here with this proposal is basically continue what we authored last year that successfully was adopted by the Senate.

Mr. President, I will yield the floor at this point. The distinguished Senator from California has arrived.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

LET'S NOT TAMPER WITH THE PROSPECTS FOR
PEACE

Mr. CRANSTON. Mr. President, I rise on the side of the distinguished Senator from Connecticut today to offer my strongest support for the Dodd-Leahy amendment, an effort that has already had a strong and positive effect on the chances for a peaceful solution to the tragic civil war in El Salvador.

In recent months the ongoing U.N.-mediated negotiations between the Government of El Salvador and the FMLN guerrillas have broken important ground.

Both sides to this conflict say they are negotiating in good faith, and several of the most critical outstanding issues appear to be close to solution.

Much of this progress, I believe, can be attributed to the fact that last year Congress passed restrictions on United States military assistance to El Salvador very similar to that we are again considering today.

This is not just my impression. It is the feeling of a broad spectrum of democratic leaders in El Salvador, such as our allies of choice during the 1980's—the Christian Democrats—as well as that of the Catholic Church and the democratic left.

The Dodd-Leahy amendment had their support last year, and this newer version continues to fuel their hopes—their deep deep hopes—for a quick, peaceful, and just settlement to this ugly civil war.

Mr. President, 2 months ago President Cristiani came to Washington and was received with great fanfare by the President and other members of the Bush administration. To hear them tell it, the Salvadoran Government is making herculean strides in its effort to make that country a modern democratic state.

The problem, the administration says, rests solely with the bad faith of the guerrillas, their unwillingness to offer acceptable compromises on such fundamental issues as civilian control of the military and the shape of civilianized law enforcement.

No one questions President Cristiani's personal commitment to democracy and the betterment of El Salvador's atrocious human rights record. He is a good and decent man.

But the issue is not President Cristiani and the administration knows it.

The real issue is El Salvador's gangster-like military—responsible for the death squad killings of tens of thousands of innocent people—and the succession crisis in the center-ultraright ARENA Party, whose undisputed boss is the murderous and mortally ill Roberto D'Aubuisson.

It seems that no one in El Salvador believed that President Cristiani's visit here was a mere vanity, a chance for an embattled political leader to hear some words of praise from a powerful patron.

It is an open secret in San Salvador that the reason for Cristiani's visit was an effort by a worried Bush administration to let the restive military and the most murderous elements of ARENA know that the United States would not tolerate a putsch from the ultraright.

And political leaders of unquestioned democratic faith, including the political heirs of the late President Jose Napoleon Duarte, say it is the demands of ARENA and the military, more than any other factor, that have dealt the worst setback to the talks.

Failure to support this amendment will strike a serious blow to the negotiating process, suggesting a grave lack of support for the U.N. mediating efforts. It will reinforce the dismal lack of progress by Salvadoran judicial authorities in the investigation and prosecution of those in the Salvadoran military—including those at the highest levels—who were responsible for the vicious murder of the Jesuits—a little over a year ago.

The administration's opposition to a continuation of the Dodd-Leahy efforts must be placed in the context of its past record. Its recent decision to release military assistance was perceived by a broad range of Salvadorans as a message to the military that it could count on United States support regardless of human rights abuses and intransigence in the peace talks. Since the aid release, there has been an alarming rise in political violence, most of it traceable to the Salvadoran Armed Forces and to rightwing death squads operating under their protection.

Terrorism is evil but, as has been shown over and over again, state terrorism is worse, because there is nowhere for the frightened and the persecuted to turn. And that terrorism, and the impunity that comes with it, in El Salvador has a name: The Salvadoran Armed Forces.

Let us be clear, those who today pose the most severe challenge to the consolidation of democracy—for which the American taxpayer has already shelled out more than \$4 billion—are the Salvadoran military.

Let us not award those who have tried to end cannibalism by eating the cannibals.

Let us not give them an honored place at our table.

Let us not further whet their appetite for impunity and power.

Let us not dishonor all those in El Salvador who have sought to bring peace and reconciliation to their country by pretending that those who have been their jailers and their executioners can now, in this delicate moment of hope, be our friends.

Mr. President I urge the adoption of this amendment.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized. He has 9 minutes.

Mr. DODD. I thank my colleague for his remarks.

To pick up the points I was making a moment ago, Mr. President, there has been in excess of \$4 billion that we have expended of taxpayer money in this country over the past 10 years to a nation with a population of something in the neighborhood of 5 million people.

What we are trying to do this evening is to try and support the proposition that we think has contributed significantly and positively to bring an end to this conflict, and an end to the expenditures that have been drained off to El Salvador during this 10-year civil war that has ravaged that country. Suffice it to say, Mr. President, that there is a tremendous amount of needs in our country that are going unmet, a tremendous amount of needs.

Frankly, I think if such a matter were put to a referendum in this country, as to where they want these dollars to go, I have no doubt about what the outcome of that particular proposition would be. But we are not suggesting to cut overall aid. I suspect my constituents, and many others, wonder why we are not doing that, candidly.

We are suggesting that we set aside 50 percent of the military aid, set it aside, to not even cut it off, just set it aside, as we did last year, to try and promote this effort. There has been some change in El Salvador over the last year. Regrettably, it all has not been for the good. The 1991—not 1990—report of Amnesty International, one of the most respected human rights organizations in the world, gives this appraisal in its leadoff sentence in assessing El Salvador's human rights records:

There was a sharp rise in the number of death squad murders in the first 8 months of the year. Other people were killed in overt military operations and circumstances suggesting extrajudicial executions.

It goes on and identifies examples where the FMLN have engaged in atrocities. But, unfortunately, the situation seems to be deteriorating on the human rights front.

If for no other reason, Mr. President, this particular proposition ought to be adopted because we need to send that consistent signal that, while we are willing to try and help, we are not

going to underwrite and subsidize a system in the process that continues to fail to deal with the basic human rights problems of its own country.

So this evening, all that the Senator from Vermont and I are suggesting is to maintain exactly what we have had in place for the last year, a proposition that carried in this body overwhelmingly, a proposition by the assessment of most, I believe, in the United Nations, which has assisted in this process.

The only thing that is different is that we have put language in here that has been language used in almost every foreign assistance bill for the last 13 years. That is to require the appropriate committees of Congress to determine if there is going to be any change. We have done that to try to get a handle on changes of policy during any given fiscal year or calendar year.

That is not a radical change, or as someone suggested today, an unprecedented change. In fact, it ought to be standard procedure on all foreign aid, so that during the year, the elected representatives of this body would have an opportunity to determine whether or not the legislative intent, as adopted, was being carried out by the administration. But that is the only single change that we have offered in the legislation that was adopted by the U.S. Senate a year ago.

The very least we can do is to keep this process moving forward, to try and bring an end to this carnage, and year after year, hundreds of millions of dollars in taxpayer money, going to a small nation that is being ravaged by a civil war. The only hope we have is seeing this negotiation produce a settlement. And we are close to it. If you change the ground rules now—and that is what the opponents of this amendment want to do, change the ground rules—you will have \$85 million in military aid and all that economic assistance going forward, with no conditions whatsoever being attached to it.

That is unacceptable, I think, to the American people. They want an accounting, to make sure their tax dollars are not going to subsidize military units engaging in fundamental, blatant human rights abuses. That is all we are trying to do here. There is nothing radical or different. It is a consistent proposition that was adopted by the Congress, signed by the President last year, with the one exception that I have noted already.

So, Mr. President, I suggest that we adopt this because, frankly, the alternative is a lot worse. If the opponents of this are unhappy with this proposition, I will tell you that the American taxpayer will demand a lot more before this debate is over.

I urge adoption of this amendment.

I yield to my colleague from Vermont.

Mr. LEAHY. Mr. President, I hope that the Members of the Senate will listen to what the Senator from Connecticut has said.

There is no question, if you read the sorry history of this little country, that even the efforts toward peace, even the efforts toward reform, began to occur only when the American taxpayers, acting through the Congress, finally put some restraints on foreign aid, finally attached some strings, finally attached some conditions.

As I said earlier today, we cannot find the money, the \$90 million, to immunize the children of Americans against measles, rubella and diphtheria; we can send the exact same amount of money to El Salvador with no strings attached. I cannot imagine any American, if asked about that proposition, would agree with it. The U.S. Senate should not agree with it. Let us put the conditions on.

I yield the floor.

Mr. DODD. Mr. President, I yield the remainder of my time. I know the distinguished minority leader has some time he wants to use.

Mr. DOLE. I yield 2 minutes to the Senator from Mississippi of my time.

Mr. COCHRAN. Mr. President, the sponsors claim their amendment is necessary to support the negotiations between the Government and the guerrillas.

As I see it, however, Senate approval of this amendment would send disruptive signals that would undermine the U.N.-mediated peace process. The leadership of the other body certainly thought so when they delayed all consideration of El Salvador until September to give the peace talks more time.

The negotiations have already yielded significant results. Last March, El Salvador held its sixth consecutive, internationally monitored free election. In April, the Government of El Salvador and the FMLN agreed to constitutional reforms covering human rights, the army, the judicial system, and the electoral process.

The case of the Jesuit murders will move to jury selection and trial this September. Following the Jesuit counsel's request for 3 additional months to offer new evidence, criminal proceedings will move forward against eight charged with murder and three charged with obstruction of justice.

Despite these hopeful developments, however, the FMLN has resisted a cease-fire. Although the FMLN made a public commitment to reach a cease-fire by May 30, it continues to stall at the bargaining table. FMLN military attacks have increased in recent weeks, while it is threatening civilian mayors with murder, a fate the guerrillas have already inflicted on two Americans.

In the face of these provocations, the administration has shown admirable restraint in an effort to avoid disruption

of the peace process. Despite the finding in January that the FMLN had violated the 1990 law by targeting civilians and by importing Soviet SA-14 surface-to-air missiles and other weapons, the administration refrained from spending withheld funds until July, and aid released since that time has been limited to nonlethal assistance.

The proposed amendment would punish the Government of El Salvador despite the progress made at the peace table. It is much harsher than last year's legislation, withholding 50 percent of all military aid—not just fiscal year 1992—and subjecting all obligations to the reprogramming process, under which any one of four congressional committees, House Foreign Affairs, Senate Foreign Relations, and House/Senate Appropriations, could withhold all funds indefinitely. When offered in the full Foreign Relations Committee last month, the amendment was defeated 10-9 by a bipartisan coalition. The amendment would give the FMLN renewed hope that the Government of El Salvador will be defenseless to continued guerrilla attacks.

Mr. President, I have received a letter from the Ambassadors to our country from Costa Rica, Guatemala, Honduras, Nicaragua, Panama, and El Salvador stating their deep concern over any United States legislative action cutting military assistance to El Salvador before the FMLN agrees to a cease-fire. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. COCHRAN. Mr. President, a cease-fire agreement may be at hand in El Salvador. This amendment could disrupt the peace process and threaten chances for lasting peace in that country. I urge Senators to support the motion to table that will be offered by the distinguished Republican leader.

EXHIBIT 1
THE AMBASSADORS OF
CENTRAL AMERICA,
July 23, 1991.

Hon. THAD COCHRAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COCHRAN: We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and discontinues its attacks on El Salvador's civilian population.

Peace talks between the El Salvador government and the guerrillas continue under U.N. auspices. It is our belief that a cease-fire agreement is at hand. Assessing the

progress made in past negotiation rounds, the House of Representatives deferred the debate on the FY'92 foreign assistance for El Salvador until after the August recess, to avoid sending a signal which could disrupt the peace process. The State Department has urged Congress to do the same. It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

By doing nothing to the conditions already in place as a result of the Senate's action for FY'91, the negotiating balance during this delicate period of time could be maintained. The next several weeks are crucial to nurturing ongoing negotiations aimed at achieving a cease-fire and to giving the peace proposals a chance to be accepted by both sides.

Since 1987, Congress has recognized and supported the Central American President's efforts in achieving peace in the region. Just last week, the Presidents of the six Central American Republics held a summit meeting in El Salvador and demanded unanimously that the FMLN lay down their arms, demobilize their forces, and join the democratic political process in El Salvador.

Lasting peace, economic development, and thriving democracy in Central America are as much in the best interests of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

We are confident that, as in the past you will rely on the Central American Presidents' good judgment on how to address the delicate matter of peace negotiations in Central America.

Please do not hesitate to call any or all of us if we can provide you with further information that might be useful to you in your deliberations.

Sincerely,

Gonzalo J. Facio, Ambassador of Costa Rica; Miguel A. Salaverria, Ambassador of El Salvador; Juan José Caso,¹ Ambassador of Guatemala; Jorge Ramon Hernandez-Alcerro, Ambassador of Honduras; Ernesto Palazzo,² Ambassador of Nicaragua; Jaime Ford, Ambassador of Panama.

The PRESIDING OFFICER [Mr. DASCHLE]. The Republican leader is recognized for 8 minutes.

Mr. DOLE. Mr. President, we seem to have a penchant for snatching defeat from the jaws of victory, and I am afraid we are at it again.

Finally, after years of tragedy and turmoil, death and destruction, there is a real chance for peace and national reconciliation in El Salvador.

We ought to be encouraging that process, by rewarding those committed to a good faith pursuit of peace and justice. Instead, this amendment proposes to punish those very people, and indeed reward those who have stonewalled on peace and human rights; stalled on a cease-fire; and continued to kill innocent Salvadorans, and in fact, execute in cold blood innocent Americans, which seem to be sort of glossed over this morning or during the debate today.

It just does not make any sense.

Since the Senate last debated this issue, the Government and the Communist guerrillas—the so-called FMLN—have met periodically, and have made substantial progress in important areas—human rights; reductions in the size and changes in the structure of the armed forces; demilitarization of the intelligence services, security and police forces; and the holding of free elections to an expanded Parliament—elections leftist, Communist-affiliated parties contested.

The Presidents of all the Central American countries have continued to strongly support the peace process.

The case of the murder of the Jesuit priests has moved forward.

I might add I spoke last night with President Cristiani and he again pledges to me he was going to continue to press forward, and I have every reason to believe that he will.

The nine defendants in the case have been denied appeal, and they will go on trial soon.

Somebody said today they have not been confined as Noriega in Florida. And I have not heard many outbursts with reference to that.

It is a record of progress—not stalemate.

It is a record reflecting a firm commitment by the Cristiani government to a fair, peaceful settlement—not a record of stonewalling or foot-dragging, at least on the Government's side.

It is a record of accomplishment that we should encourage—not undermine.

To be sure, there are major problems still unresolved. But to be equally sure, most of those problems grow out of the intransigence of the FMLN.

At the Guadalajara summit, the observer nations—Spain, Mexico, Venezuela, and Colombia—criticized the FMLN, not the Government, for stalling, particularly on the critical issue of agreeing to a cease-fire.

The Presidents of the Central American nations—who have strongly and consistently supported the peace process—last week condemned the FMLN, not the Cristiani government, for a new round of bloody attacks. They, too, urged the FMLN in the strongest terms to stop its aggression, and to agree to a cease-fire.

Six months ago, an American helicopter was shot down by FMLN groundfire. When it crashed, FMLN terrorists executed in cold blood two American servicemen. None of those responsible for the murder have been apprehended, or turned over to any competent authority for investigation and trial. One can imagine that, instead, they have probably been promoted and given bonuses for their fine, bloody work.

And again I have not heard any outrage or outcry about that on the Senate floor.

So the Government makes concessions for peace—while the FMLN stonewalls.

The Government proposes a cease-fire—which the FMLN refuses.

The Government pushes forward on bringing to justice those who murdered the priests—while the FMLN murders American servicemen.

The Guadalajara observers and the Central American Presidents praise the Government—and condemn the FMLN.

And what do we do about all this? Well, the supporters of this amendment want us to respond by penalizing the Government, and rewarding the FMLN.

These are some of the great strategies that helped us in Nicaragua and the gulf crisis, the same people trying to tell us what we ought to be doing in El Salvador. They were wrong then and they are wrong now.

Mr. President, it is hard to choose among the many, many adjectives that leap to mind—muddle-headed, illogical, foolish, outrageous, dangerous.

In fact, why choose? The amendment is all of those things, and more.

Last year, we imposed limits on support for the Cristiani government. Many of us felt that was a bad idea, but it happened.

Now—with virtually all of the right on the side of the Government, and virtually all of the wrong on the side of the FMLN—this amendment seeks to impose even greater restrictions on the Government.

And make no mistake about it—this is not an amendment to just extend existing restrictions, but to toughen them. It not only fences this year's aid, but refences last year's aid, just unfenced for the very good reason that the criteria in law for its release have been met.

Mr. President, I ask the question: Are we losing our minds?

Yesterday, I spoke on the telephone with President Cristiani. A number of other Senators did, too.

He reaffirmed for me his Government's total commitment to the peace process, and reiterated his hope for a cease-fire.

He assured me that his Government was pressing ahead on the Jesuits case.

He promised that the civilian government of El Salvador—and not the military—will have full control over any assistance we provide.

He said, clearly and frankly, that passing this amendment will be a severe blow to the prospects for a cease-fire, and the continued progress of the peace process.

Mr. President, the House of Representatives, for many, many years, has led the way in doing the wrong thing on Central American policy. Time and time again, it has been the action of the Senate which has restored some balance, and a semblance of common sense, to legislative action on issues affecting that region.

¹ Presentation of Credentials pending.

² Unavailable at present for signature.

This time, even the House recognized that meddling in the peace process, by this kind of ill-considered reward for the bad guys and punishment for the good guys, makes no sense at all.

The House Foreign Affairs Committee voted down this amendment. The full House refused to even take it up.

On this side, our Foreign Relations Committee, too, realized that this was a dangerous and wrong-headed approach, and turned down this amendment.

Mr. President, is everybody wrong? Are the Governments of the Guadalajara summit wrong? Are the Central American Presidents wrong? Is President Cristiani wrong? Is the House Foreign Affairs Committee, and the full House, and the Senate Foreign Relations Committee—are they all wrong? I do not think so.

I think those who support this amendment are wrong. Seriously wrong. Dangerously wrong.

It seems to me we ought to do the right thing. We ought to give the Government a chance. Why are we rewarding now the rebels, the Communists? Why should we listen to those who drag this out for years and years with reference to Nicaragua, that costs thousands of lives and millions and millions of dollars, and finally because some of us were persistent enough they finally have democracy in that country?

In my view this amendment ought to be tabled. We ought to go on to finish this legislation. But if not, we are going to stay on this amendment for some time. This is enough to get a veto of this bill, if that is what the people want. There will be a veto of this bill. The cargo preference amendment last night, the Mexico City language; there are four or five reasons to veto this bill. This will be the centerpiece. It will be a crowning blow, this one. If there is any doubt in the President's mind, if the amendment survives the conference and is adopted by the Senate, this will sound the death knell to this legislation.

Mr. President, I do not know what motivates those who keep offering these amendments. I am not going to question anybody's motives. I think in this case they are dead wrong and therefore I yield back the remainder of my time and move to table the underlying amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—43

Bond	Graham	Pressler
Brown	Gramm	Robb
Burns	Hatch	Roth
Chafee	Heflin	Rudman
Coats	Helms	Seymour
Cochran	Kasten	Shelby
Cohen	Lott	Simpson
Craig	Lugar	Smith
D'Amato	Mack	Stevens
Danforth	McCain	Symms
Dole	McConnell	Thurmond
Domenici	Murkowski	Wallop
Durenberger	Nickles	Warner
Garn	Nunn	
Gorton	Packwood	

NAYS—56

Adams	Exon	Levin
Akaka	Ford	Lieberman
Baucus	Fowler	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Grassley	Moynihan
Boren	Harkin	Pell
Bradley	Hatfield	Reid
Breaux	Hollings	Riegle
Bryan	Inouye	Rockefeller
Bumpers	Jeffords	Sanford
Burdick	Johnston	Sarbanes
Byrd	Kassebaum	Sasser
Conrad	Kennedy	Simon
Cranston	Kerry	Specter
Daschle	Kerry	Wellstone
DeConcini	Kohl	Wirth
Dixon	Lautenberg	Wofford
Dodd	Leahy	

NOT VOTING—1

Pryor

So the motion to lay on the table was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

Mr. President, I rise to discuss the vote that just took place which is one of the bleaker moments in the history of this body. It is an insult to President Cristiani. It is a blow to the morale of the people of El Salvador.

I think it is a glaring example of the kind of micromanagement of the Presi-

dent's foreign policy which, if it had succeeded, would have led in our attempt in the Persian Gulf, would have led to a far different result and may have the same kind of disastrous results as those who voted, as did the sponsors of this bill, to prevent the President of the United States from using force in the Persian Gulf.

As I said at the beginning, this amendment is the liberal's last gasp, last place in the world with the exception of North Korea and Vietnam where communism still seems to be alive and well.

Unfortunately, the FMLN is celebrating tonight, Mr. President, I feel so strongly about this bill and so do many of my colleagues on this side who have been involved in this issue for many, many years that we intend to talk for a long time about this vote and about what has been done here tonight and how critical it is to the security of the Western Hemisphere.

Mr. President, I will do everything in my power to see that this bill does not leave this body because I believe that the disastrous consequences of the adoption of this amendment are such that they will lead to the deaths of innocent El Salvadoran men, women, and children. We are not talking about a policy matter here. We are not talking about a change in rules or regulations. We are discussing what six Central American Presidents asked this body to do.

Mr. President, as did every Senator, I received a letter that said the following:

We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador and his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador. In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

Mr. President, this is not the opinion of Senator JOHN MCCAIN of Arizona. I would be glad to freely admit that the credentials of the Senator from Connecticut and the Senator from Vermont, who were the cosponsors of this amendment, are equal to mine, I might even argue in some ways superior. But how can we match what they had to say with what six Central American Presidents want? I think it takes unmitigated gall.

Do you know what the President of El Salvador has been doing in the last few hours? He has been frantically trying to contact Members of this body to try to educate them as to what he and his Government have been doing to try to achieve peace in that unhappy and war-torn nation.

Mr. President, it is the informed body of opinion, including periodicals

like the Washington Post, that it is the FMLN's refusal to agree to a cease-fire which is the major impediment to stopping the suffering and tragedy of El Salvador.

It is with heavy heart that I think of my friend President Cristiani tonight, and he is a friend of mine, a man who came to office with very low expectations from the world media and some people in the world, who has implemented some incredible changes in his country. I think those are worthy of mention especially in regards to his search for peace.

He has agreed to a U.N.-designated truth commission that was designated by the United Nations, not by the Cristiani government, to investigate human rights abuses over the last 12 years.

He agreed to a constitutionally established national attorney for human rights, a national attorney which is established by the Constitution to only monitor human rights in his country.

He agreed to remove police and security forces from the control of the Defense Ministry and place them under his control.

He agreed to place the intelligence service under his authority.

He agreed to reduce the military to prewar levels.

He agreed to form a commission whose members will be nominated by the U.N. Secretary General to evaluate the human rights records of all military officers and decide who should be removed from service.

He agreed to abandon several infantry battalions.

He agreed to dissolve the civil defense forces.

Mr. President, it does not mean that everything is wonderful in El Salvador. That does not mean that, unfortunately, death squads have ceased to operate. That does not mean that there are not still abuses of human rights throughout the countryside in that unhappy war-torn land.

But what it does mean is that there has been a good-faith, honest effort on the part of Cristiani and his administration to try and correct these problems. And in the view of the church, of the United Nations, of all observers, enormous progress has been made.

There were those who believed when President Cristiani came to power that he was a captive of the ARENA Party. The ARENA Party had a reputation somewhat deserved as being an organization that either tolerated or took part in these death squad activities which all of us find so unacceptable and onerous.

But, Mr. President, in the intervening time, he has instituted these reforms. The El Salvadoran economy shows a glimmer of hope for improvement. The people of El Salvador for the first time have some faith in their Government because they have enjoyed six

free, open, honest elections since 1983. I think it is worthwhile considering where El Salvador was in 1980.

There had not been a free election in many, many years. Then that nation was blessed. It was blessed with the emergence of a wonderful man named Jose Napoleon Duarte. He was a man committed to freedom, a man committed to democracy, a graduate of Notre Dame University. Jose Napoleon Duarte, Mr. President, brought new hope and life to a sadly unfortunate nation. If Jose Napoleon Duarte were alive today he would be sad and he would be angry.

In observing this vote tonight, I can assure you, from my knowledge and friendship with Jose Napoleon Duarte, he would feel that if this amendment becomes law, the cause of freedom and the cause of peace in El Salvador has taken a giant step backward.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. MCCAIN. Yes. I am happy to.

Mr. DOMENICI. I wonder if the Senator would enlighten the Senator from New Mexico. I have an amendment which about 15, maybe 20 Senators desire to cosponsor. So I do not believe it would take a long time. I wonder if there is some arrangement that could be made by asking unanimous consent that would permit us to offer the amendment, assuming that it is acceptable to the managers, without the Senator losing his rights.

Mr. MCCAIN. Mr. President, I ask unanimous consent that an amendment by the Senator from New Mexico be considered, and at the completion of the consideration of that amendment, I regain my right to the floor.

Mr. DOMENICI. Mr. President, I must reserve the right, because I posed the question, if the managers accepted the amendment. I only have one. I have to get the other one.

So will the Senator proceed and then when I am ready, I will seek the floor, and I very much appreciate it. I hope it does not interfere at all. We will have our entire record removed from his comments on the very significant issue that he is discussing.

Thank you, Mr. President.

Mr. MCCAIN. Mr. President, I was just referring to President Jose Napoleon Duarte who I had the pleasure of knowing, who at the end of his Presidency of the nation of El Salvador was tragically stricken with cancer.

The one thing that President Duarte was able to unite his nation in was a desire for peace. He instituted land reform; he brought about changes in his government which I think laid the framework for what is now apparent in that nation today; that is, a nation that has grown accustomed to free and fair elections.

As these free and fair elections have proceeded. I was there for the first one in 1983, there has been less violence as-

sociated with these elections. I remember the night before the election in El Salvador in 1983 when the radio, the clandestine radio that was run by the FMLN sent a message to the El Salvadoran people. It said vote today and die tomorrow. That was the message of the FMLN. That has been the trademark of the Marxist, avowed announced Marxist, Communist organization since its inception.

The next day, Mr. President, they did attempt acts of violence against El Salvadoran property and people. They knocked out the electricity in the capital. They launched ambushes, and they invaded some polling places killing innocent civilians who were seeking to exercise the most basic and fundamental right in a democratic society.

I wonder how Jose Napoleon Duarte would feel tonight if he saw Members of this body who were erstwhile proclaimed friends of his who have voted to basically support the FMLN and encourage further obstacles to be placed by the FMLN in the path of peace.

Mr. President, I do not think there is any doubt, as I said before, that the last remaining obstacle to peace is the FMLN's opposition to a cease-fire. The government has already agreed to one FMLN condition to another. They have undertaken constitutional changes affecting far-reaching political, military, and judicial reforms. I will go into that in a minute.

But I would like for a moment to discuss one of the great, recent tragedies of the situation in El Salvador. I am speaking of the loss of three American lives, three American fighting men. Those three American fighting men were flying a helicopter at low altitude, unarmed, and flying at low altitude in order to avoid the surface-to-air missile fire because, as we know, the Sandinistas in the Nicaraguan Army had supplied the FMLN with these weapons of war which are very modern in nature.

We also know that the UH-1H helicopter with these three Army servicemen aboard was brought down. Whether they were brought down by hostile fire or not is an excellent question. But the fact is, Mr. President, the reason why they were brought down by hostile fire, if it was not a missile, was because they were flying at such a low altitude because of the threat of a missile to their helicopter.

What happened, Mr. President, after they were brought down? Well, one of them was killed on impact. The other two clearly survived the crash. There have been several media reports as to what happened. We have received reports of the villagers who were nearby as to what happened. The fact is that these two individuals, Lieutenant Colonel Pickett, and Private First Class Dawson, were callously, brutally murdered by FMLN forces, and they gave

their lives and sacrificed their lives in the cause of freedom as much as any American fighting man has ever done anywhere in the world.

Mr. President, the way that they were slaughtered by the FMLN is also I think something of interest. The forensic report states that based on the multiple gunshot injuries present on the two crew members, at least three different weapons were used—two high velocity rifles and one handgun. Lieutenant Colonel Pickett received several clusters of multiple gunshot wounds, strongly suggesting that he tried to evade his captors prior to being killed. Mud and debris in scalp wounds on the back of the head are consistent with him being supine on the ground.

Mr. President, I will not dwell on what happened to these brave Americans. But what I will say is that this is the nature of the FMLN. There has never been any attempt whatsoever of the FMLN to bring these culprits to justice. There has never been even an investigation by the FMLN.

I am very unhappy and dissatisfied, as I am sure most if not all Americans are, at the lack of progress in the needless slaughter of the Jesuits. All of us are offended, terribly offended, by what took place in that terrible massacre. But at least some kind of effort has been made to bring the culprits to justice. But somehow, for some reason, there is not the same level of outrage about the deaths of U.S. servicemen who were needlessly slaughtered by the FMLN.

Mr. President, I would like to say again that these highly sophisticated antiaircraft missiles that drove this helicopter to fly at low altitude could affect the military balance and there is no doubt where they came from.

This is a light, shoulder-held missile using infrared guidance technology and are considered as effective as the Stinger missiles that the United States provided to Afghan rebels. There is no doubt that it had a dramatic effect on the ability of the El Salvadoran military to conduct operations.

Cuba has denied it provided the missiles to the FMLN. The rebels denied receiving it from the Cubans, despite their close links to Havana. FMLN Commander Leonel Gonzalez told Prensa Latina, the Cuban news agency that the missiles came from diverse sources, none of them governments.

However, that would not exclude the Sandinistas.

The rebels have suggested that the missiles were purchased on the open market, but U.S. officials discount that, saying SA-16's are not as widely available as less sophisticated SA-7's and SA-14's.

Last year, the FMLN received SA-14 missiles from the Sandinistas and used them to knock down at least two Salvadoran army aircraft in November and December. In February, the FMLN

returned the shipment of SA-14 missiles to the Sandinistas after United States and Soviet intelligence, working from a serial number of a missile that had been fired, traced them to Nicaragua.

Well, Mr. President, I will not dwell on that aspect of this tragic situation. I would not relish the thought, frankly, of sending more American fighting men into an area where, even if they are shot down, or slaughtered on the ground, as these two brave Americans were—let me say that we cherish their memory, and we appreciate their sacrifice to our Nation, and we wish there was some way we could give consolation to their families.

Mr. President, as I said, the sixth free election in El Salvador was held last March. Leftwing parties, including those aligned with the FMLN, made gains. Mr. Ruben Zamora, a former leader of the FMLN, is now the Vice President of the National Assembly. A member of the Communist Party was elected to the El Salvadoran Assembly. And despite this progress, despite the time after time after time that international observers have stated these are free and open and honest elections—observers from all over the world—the FMLN refuses to join the democratic process. Instead, they have continued their campaign of violence against the civilian government and the people of El Salvador. They have targeted civilian officials, which is a violation of legislation passed in this body. They continue a widespread campaign of economic sabotage, attacking hydroelectric dams, power stations, coffee and cotton farms, large agricultural mills, public transport and banks. They have continued to receive shipments, as I mentioned earlier, of Soviet SA-14 surface-to-air missiles from their Cuban and Nicaraguan sponsors.

As I mentioned, President Cristiani has agreed to a series of almost unprecedented steps in order to arrive at a peaceful resolution and to satisfy the FMLN's concerns.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield for a question.

Mr. MCCAIN. I am glad to yield to my friend.

Mr. DOMENICI. The Senator from New Mexico has now received the concurrence of the floor managers on both the majority and minority sides that they will accept the amendment, and no other Senators indicate a desire to have a rollcall vote. I wonder if we might ask the Senator from Arizona if he would concur that we invoke the previously stated unanimous-consent request and permit the Senator to offer an amendment; and it will be disposed of in no longer than 10 minutes, I say to my friend.

Mr. MCCAIN. Mr. President, knowing what 10 minutes means to my friend from New Mexico, I, at this point, yield

the floor for purposes of allowing the Senator from New Mexico to offer an amendment, and ask unanimous consent that I be allowed to regain the floor at the conclusion of the disposition of the amendment from the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 836

Mr. DOMENICI. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico, [Mr. DOMENICI], for himself, Mr. MACK, Mr. DOLE, Mr. COCHRAN, Mr. BROWN, Mr. GORTON, Mr. D'AMATO, Mr. GRAMM, Mr. DIXON, Mr. KASTEN, Mr. HELMS, Mr. DODD, Mr. SIMON, and Mr. BURNS, proposes an amendment numbered 836.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 139, between lines 18 and 19, insert the following:

"Subchapter D—The American Centers Act"

An ACT to Establish American Centers to act as a catalyst for encouraging free market economies and democratic values in the Soviet Union and its sovereign Republics.

SEC. 637. SHORT TITLE.

This subchapter may be cited as the "American Centers Act."

SEC. 638. AMERICAN CENTERS TO SUPPORT PEACEFUL TRANSITIONS LEADING TO FREE MARKET ECONOMIES AND DEMOCRATIC VALUES IN RUSSIA, THE UKRAINE, BYELORUSSIA, GEORGIA, ARMENIA, AND OTHER SOVEREIGN SOVIET REPUBLICS.

In order to demonstrate an American commitment to support the peoples of Russia, the Ukraine, Byelorussia, Georgia, Armenia, and other Soviet Sovereign Republics, the President should establish American Centers to promote commercial, professional, civic, and other partnerships between the people of the United States and the people of Soviet republics upon request for the purpose of:

- (1) establishing a liaison to facilitate exchanges between the peoples of the Soviet republics and American business entities, state and local governments, and professional and civic institutions in the United States;
- (2) providing a repository for commercial, legal, and technical (including environmental and export control) information;
- (3) identifying existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance; and
- (4) helping to establish the legal and regulatory framework and infrastructure that is a critical prerequisite to the establishment of a market oriented economy and democratic institutions;
- (5) such other objectives that the Center Directors and Coordinator may identify and have been approved by the Executive Board.

SEC. 639. EXECUTIVE BOARD AND DIRECTORS OF CENTERS.

(a) THE EXECUTIVE BOARD.—The President is authorized to appoint an Executive Board

of no more than ten United States citizens to advise the President and to provide policy and technical direction to the American Centers. The Board Members should be chosen from individuals who have demonstrated leadership in professional, civic, and business organizations that engage in relevant international activities, in particular in the Soviet Union.

(b) **DIRECTORS OF THE AMERICAN CENTERS.**—Upon the appointment of an Executive Board as provided in Subsection (a), the President may designate, from a list of candidates submitted by the Executive Board upon his request, Directors of one or more American Centers to carry out the purposes of the Act. The Executive Board shall work as expeditiously as possible to respond to requests to establish additional American Centers in major cities of the Republics.

(c) **POLICY COORDINATION OF AMERICAN CENTERS.**—The President is encouraged to designate an American Centers coordinator to oversee, subject to the policy direction of the Secretary of State, activities conducted by the United States Government in connection with the American Centers. The coordinator, the Administrator of the Agency for International Development, and the Director of the United States Information Agency shall be ex officio members of the Executive Board.

(d) The Executive Board shall consult with and provide periodic reports to the President, the Secretary of State, and the appropriate committees of Congress.

(e) Nothing in this section shall be construed—

(i) to make the Executive Board or any American Center an agency or establishment of the United States Government, or

(ii) to make any member of the Executive Board or director of an American Center officers or employees of the United States Government,

for the purpose of title V, United States Code or any law administered by the Office of Personnel Management. In addition, the provisions of the Federal Advisory Committee Act shall not apply to the Executive Board or any American Center.

SEC. 640. FUNDING FOR AMERICAN CENTERS AND FOR TECHNICAL SUPPORT FOR DEMOCRATIC GOVERNMENTS, PRIVATE INSTITUTIONS, AND PROFESSIONAL ORGANIZATIONS IN THE SOVIET REPUBLICS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts made available for assistance under Chapter 4 of Part II of the Foreign Assistance Act, not more than \$15,000,000 for fiscal year 1992, and not more than \$25,000,000 during any subsequent fiscal year shall be available for assistance in accordance with this Act.

(b) **TYPES OF ASSISTANCE AUTHORIZED.**—Funds made available pursuant to this Act shall be used to establish and maintain the American Centers and to provide technical and related support assistance to any eligible recipients.

(c) **WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.**—Assistance may be provided pursuant to this Act, notwithstanding any other provision of law that would otherwise apply to such assistance.

(d) **ELIGIBLE RECIPIENTS IN THE SOVIET UNION.**—As used in this Act, the term, "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics (or any successor state) that was elected through open, free, and fair elections, and

(2) any nongovernmental organization in the Soviet Union that promotes democratic

reforms, market-oriented reforms, the rule of law (including the legal infrastructure prerequisite to the foregoing) or any other objectives of this Act.

(3) any governmental agencies in the Soviet Union that promote democratic reforms, market-oriented reforms, or the rule of law (except that no more than fifteen percentum of amount authorized in subsection (a) may be used for this category).

(e) **Restrictions.** No cash grants may be made under this Act to any governmental agency or organization in the Soviet Union. Payments for rent or lease of office facilities for an American Center are to be made to the extent practicable, from local currency (rubles) provided for that purpose by the host government.

(f) Except to the extent inconsistent with this Act, technical assistance under this Act shall be considered to be assistance under Part I of the Foreign Assistance Act for the purposes of making available the administrative authorities of that Act.

(g) The Centers are authorized to accept private contributions from United States citizens and organizations to be used pursuant to the provisions of this Act.

Mr. DOMENICI. Mr. President, I offer this amendment on behalf of myself, Senator MACK from Florida, Senator DOLE, who are my principal cosponsors, and the following Senators: Senators COCHRAN, BROWN, GORTON, D'AMATO, GRAMM of Texas, DIXON, KASTEN, HELMS, DODD, SIMON, BURNS of Montana, who seek to be cosponsors. I ask unanimous consent that they be recorded as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it has come to the Senator from New Mexico, as I observe the goings on in the Soviet Union and various of the republics in the Soviet Union, having been present and observed when President Yeltsin came, having heard his discussion about Russia, having talked to a number of American business people who have gone to the Soviet Union or one of the republics in an effort to conduct business, having talked to various academicians from the United States, both private and public, who have gone there for the purpose of trying to see what could be done to assist in the transition, and on and on, with reference to various kinds of visits to the Soviet Union, for the purpose of establishing liaison and some transitional assistance, that perhaps we need early on, as early as possible, the establishment of American centers—or let me put it in the singular, a center for America or an American center, let us say, in the Republic of Russia; and that that center would become the focal point for American entrepreneurs, American experts in government, and perhaps American educators, certainly men and women who are interested in communicating and helping the Soviet people or Soviet Government make the transition to capitalism and democracy; we need a place for them to go.

We need a center that will accumulate the information in an ongoing

manner and regularize it, so that it is available to those who need it, as they seek to do business with the Soviet Union, or as they seek to help Soviet people become business men or women, as they seek to educate, be it in the law or be it in business, as they seek to help with land transactions, and maybe even help the Soviet republics find out how to survey and record titles to property, since they seem to want to commit to private ownership; all of those things and a myriad of more. And from what we understand, there is no focal point, no center, no facility that can grow as these relationships and transactions grow. So what we are doing here is, in a sense, very, very simple. In another sense, it could be very profound with reference to its impact.

This is an act to establish American centers to act as catalysts for encouraging free market economies and democratic values in the Soviet Union and its sovereign republics, and in this particular measure we elaborate the kinds of things we think ought to be going on in American centers. We elaborate on the kinds of information that ought to be accumulated. We stress the fact that business men or women, entrepreneurs, ought to be invited there, and hopefully even invited to manage and operate one or more of these centers. And then we decided that we ought to make this somewhat independent, and yet put it under the President of the United States.

So we have an independent board that the President would appoint to be the board of directors of the center, and they submit to the President the names of Americans, hopefully Americans who have a natural relationship or at least a desire and a profound commitment to be part of this enormously historic event.

That was a pretty difficult one, because we do not intend to make these independent of the U.S. Government in a sense that they would act contrary. We want them to be independent because businessmen need independent relationships. So do those who are trying to educate, and so do those who might want to exchange information with the Soviet Union in some rather formal way to bring them along with education, and the like.

So we have an independent board appointed by the President. He selects this director, and the director manages this American center in a republic, if they are invited.

I want to stress, this amendment does not force anyone to do anything. It is permissive on the part of the President, No. 1, and it must be at the request of the Soviet entity. If it were Russia, they would have to invite us; they would have to want us.

But I am reminded, and I was talking to my friend, Senator MACK, from Florida, that had we asked Mr. Yeltsin

when he was here, "Would you like an American center with these kinds of opportunities," I am sure he would have said, "I want to be the first." We will even have a building for them, so that the American manager of that center can begin to function in helping us in this transition.

What we have in this legislation says, and we have said unequivocally, they must be requested to come to that particular part of the former Soviet empire.

Mr. President, the Senator from New Mexico knows there is a lot going on. There is a lot going on in an effort to help the Soviet exchange of personnel, educational exchange, business people over there trying to make business deals that help the Soviet Union with capital.

But frankly, I believe an American center to permit this to go on, permit this kind of activity to accumulate, this kind of knowledge to be put in, in a regular manner where it is available, I think is an absolute must.

I do not want anyone to think that the Senator from New Mexico or any of these cosponsors want to thwart other activity. We know that free people frequently do exciting things totally on their own, and the American people, their genius is their energy, the energy of freedom.

We are not suggesting that we want to make this exclusive and that people of the world and people of America cannot do other things. But we believe if information is needed, if the accumulation of knowledge and what is going on in the Soviet Union has to run two ways, back to the Soviet leaders and to American business or to the American Government or to American universities or to American churches, we think a center to accumulate, gather the information, and be the catalyst for these transitional activities is a good idea.

As a matter of fact, I believe if this is done, it will become a historic part of America's relationship to the Soviet Union. I believe American centers with predominantly individuals who are enthusiastic about trying to have a meaningful role in this transition, and American business that wants to react either by educating or investing or trading, will become giant replicas of what is going on in America. They will become a symbol of America in the midst of these transition economics that so desperately look to us for symbols and for activities and actions that give them hope.

In other words this will also be hope for them if we get them started rather soon.

Again, we are not trying to tell the President of the United States how to run these kinds of activities or this kind of business. We will pass this tonight, and hopefully in this bill, or in some bill, it will become law. I do not

believe good ideas will fall by the wayside because a bill is vetoed or a bill is filibustered. It will become law, but the President will only do it if he sees the wisdom of it, because obviously we are not going to tell him he must do it.

This will be an exciting vehicle for the transition, a great catalyst for encouraging market economies and democratic values in Russia.

I understand my cosponsor, Senator MACK, desires to speak, if I might ask unanimous consent that he be permitted to speak as if I were speaking under the same unanimous consent rules that we had heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. MACK. Mr. President, I first of all want to begin by commending the Senator from New Mexico for his effort on this idea and this legislation.

As I recall, this really got its start as a result of a conference that we both attended. One of the major focal points of that conference was on the Soviet Union: What change was taking place; the likelihood of events taking place.

And I remember that our feeling was that we ought to find a way to share with the Soviet people the essence of what has made America successful, as opposed to a concept of additional ways, or finding ways to provide economic assistance; what way could we develop to provide the expertise that we have developed in over 200 years of freedom in this country? After that initial conference, we have had several conversations now in the development of this particular idea.

Again, I commend the Senator from New Mexico for keeping this idea going. I, too, think it will provide the opportunity for major change to take place in the Soviet Union.

Yesterday, I proposed an amendment that would place conditions upon the United States and the Soviet Union with respect to the Soviets' ability to become full members of the International Monetary Fund. In essence, when this was agreed to yesterday, what the Senate was saying was that we thought before there was direct economic assistance, there had to be reform taking place in the Soviet Union.

So now, what Senator DOMENICI and I are suggesting is that we have an idea that since we said what should not occur, we are suggesting what should occur during this transition period.

Yesterday, I quoted Czechoslovakian President Vaclav Havel when he said:

The experience of the postwar period has shown us that no amount of economic assistance will make a totalitarian country more prosperous unless it is also made more democratic.

Today I quote President Havel again when he said that:

Our assistance should be to the people and politicians with a democratic mandate, rather

than to the bureaucrats. It should be assistance to the individual republics, with ever-increasing rights, rather than to the center of the union. And it should be a thousand points of small assistance targeted to specific areas of newly created market economy.

In short, Mr. Havel called for a thousand points of aid to the democratic republics and the people directly, not to Moscow. The purpose of our amendment is to give the administration the authority they need to help set up American centers in the Soviet Union. These American centers would be a way for Americans to offer on a sustained basis their expertise in democracy and free markets to the people of the Soviet Union.

Again, I would stress this: You can think about it as being the grassroots kind of effort, of trying to find those things, those people, those ideas, that have been so successful in America, and transfer those to the people of the Soviet Union, whether that be in the Baltic States, or whether that be in the Russian Republic.

Because we feel that by giving them that expertise, those ideas, those simple ideas about how one manages a business, how one raises capital, how one develops and produces a product, how one markets that product, how one advertises that particular product, while that is so much a part of our way of life, it is something that, frankly, the Soviet people are going to have to learn, as I said a moment ago, almost from the grassroots up. And that is what this idea is all about.

We want to provide a positive alternative as to what we said yesterday. We want to provide education; we want to provide the expertise that has made America great.

So again I commend the Senator from New Mexico for his effort. I have enjoyed working with him, and I look forward to continuing to work on this effort because, frankly, this is just the beginning. I think much more can be done.

And with that, Mr. President, I yield back to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know that I am supposed to yield the floor and have the amendment adopted before yielding back to the Senator from Arizona. But I wonder if I might burden the Senate for 5 minutes and ask that I be permitted to put the Senate in a 5-minute quorum call, and I will return. Somebody wants to speak to the Senator from New Mexico regarding this amendment, and then I will come back and then we will be finished and adopt it. I ask unanimous consent to do that.

The PRESIDING OFFICER. A unanimous-consent request is not in order for a quorum call. The Senator may suggest the absence of a quorum.

Mr. DOMENICI. I am going to do that with the understanding I will be right back. I cannot be here and answer a

question about it, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me just take 1 more minute. Senator MACK, from Florida, indicated that this idea came at a conference when the Soviet Union in transition was discussed. And I wanted to follow on with a couple of thoughts, for what they are worth.

Frankly, the subject of the discussion that prompted this amendment talked about the need for short-term exchanges with the Soviet Union of all types—business exchanges, educational exchanges, law exchanges, how do you handle property in a public manner, where do you find titles, and how do you clear titles, all strange kinds of things that we have taken for granted forever.

On the other hand, the long-term exchange was very, very simple but profound. And it was that the best way to assure long-term change toward democratic principles and private property and business ownership was to have very, very large student exchanges from the Soviet Union coming to the United States. And the person was an expert, as I understand it.

I believe he knew about as much as anyone and spoke in very large numbers—10,000, 15,000, 20,000 a year—from the Soviet Union coming and going to American colleges or American senior high schools and colleges.

Because you see, if you look around, the most profound changes that occur in the world occur because profound changes have occurred to the minds of people who come and live here and get educated here. The President of Mexico, President Salinas, has a doctor of economics from Harvard. A dramatic change in that country's governance and movement toward economic prosperity. The democratic rebellion in China, young people who had been coming here for a number of years, 10,000 a year, were willing to gamble to change, and they will ultimately be the reason for change.

We did not do anything about that in this amendment, but we did provide the focus to get started with a center that could begin to analyze these kinds of things and maybe be the focus for information gathering that will lead to these kinds of things in the future.

So, Mr. President, I am pleased to offer the amendment.

I yield the floor at this point.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, what is the parliamentary order?

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona was to be recognized upon disposition of the amendment of the Senator from New Mexico.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there objection?

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 834

Mr. DODD. Mr. President, what is the pending business, please?

The PRESIDING OFFICER. The pending business is the Dodd amendment.

Mr. DODD. Mr. President, I ask unanimous consent the Dodd amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 837

(Purpose: To condemn resurgent anti-Semitism and ethnic intolerance in Romania)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. WELLSTONE, proposes an amendment numbered 837.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 132, after line 22, add the following:

SEC. 630A. CONDEMNING ANTI-SEMITISM AND ETHNIC INTOLERANCE IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) in December 1989, after decades of harsh repression by successive Communist regimes in Romania, a violent uprising overthrew the brutal dictatorship of Nicolae Ceausescu;

(2) this historic event has opened the way for the people of Romania to join the other nations of Central and Eastern Europe in establishing a free and democratic political system and a free market economy;

(3) a reunited Europe, a meaning a harmonious community of free and friendly nations, must be established on the basis of full respect for human rights, including the rights of minorities, and a rejection of anti-Semitism and other forms of ethnic and religious intolerance;

(4) the newly gained freedom in Romania has allowed the formation of new social and political organizations, and the establishment of new publications free of direct government control;

(5) this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism, ethnic hatred, and anti-Semitism;

(6) Romania's Parliament instead of condemning these developments, itself paid tribute recently to the extreme nationalist Ion Antonescu who was responsible for the murder of approximately two hundred and fifty thousand Romanian Jews and was executed as a war criminal.

(7) the Nobel Peace laureate author and humanist Elie Wiesel recently visited Romania, the country of his birth, to observe and report on these dangerous anti-Semitic trends;

(8) even the recent solemn commemoration of the fiftieth anniversary of the mass murder of Romania's Jews by the Antonescu government was marred by an anti-Semitic provocation against Professor Wiesel; and

(9) the Government of Romania has not challenged and condemned these organizations and their activities directly and forthrightly.

(b) POLICY.—The Congress—

(1) condemns the resurgence of organized anti-Semitism, and ethnic animosity in Romania, including the existence of extremist organizations and publications dedicated to such repugnant ideas;

(2) calls on the Government of Romania unambiguously to condemn those organizations promulgating anti-Semitism and animosity toward ethnic Hungarians, Gypsies, and other minorities.

(3) calls on the Government of Romania to use every lawful means to curb these repugnant organizations and their activities and to strengthen the forces of tolerance and pluralism existing in Romanian society;

(4) calls on the Government of Romania to ensure full respect for internationally recognized human rights, including the rights of minorities; and

(5) calls on the President of the United States to ensure that progress by the Government of Romania in combating anti-Semitism and in protecting the rights and safety of its ethnic minorities shall be a significant factor in determining levels of assistance to Romania.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator LIEBERMAN, Senator LAUTENBERG, and others.

I think all of us over the last number of weeks have been highly distressed by

events that we have seen unfolding in Romania, particularly when it comes to the issue of anti-Semitism as witnessed during the recent 50th anniversary to commemorate police and military action against Jews in that country. The distinguished Nobel laureate, Elie Wiesel, was at that function and suffered significant discrimination as a result of unrest in the audience and crowd.

Regrettably it is not an isolated case. There have been instances over the last number of months that have raised concerns in many, many quarters, that this is becoming something that seems to be organized and, if not outwardly involving the Government, is at least condoned, and by the sin of omission, at least, the practice is being allowed to continue.

Of course the eastern nations of Central Europe have filled us with expectations and joy with the prospect of a brighter future for these long-suffering nations. It is obvious, however, that four decades of communism had left a painful legacy in these countries, not only in the mismanagement of their economies but also in the minds of some of the people who were unaccustomed not only to the advantages of freedom, but also to the responsibilities of freedom.

The country of Romania seems to have had much greater difficulties than almost any other country in Central Europe, in coming to terms with some of these issues. Its revolution, as we all remember, was much more violent than almost any other, and violence, or the threat of it, unfortunately remains part of the Romanian political life ever since.

We will all recall the rampage of Government-incited thugs, recruited from among miners a year ago, that received the widest publicity in the Western press.

Months before, shortly after the December 1989 uprising, there was a bloody street pogrom against ethnic Hungarians in a Transylvanian community. The Government is also unwilling or unable to curb the more frequent organized violence against Romania's gypsy population.

Now we see another element of this bigotry has surfaced in the events I described only a few weeks ago.

Unfortunately, those events have not been challenged by the Romanian Government. They are the last appearance of the worst social aberration, many would argue, in this century—I certainly would—the Holocaust. Elie Wiesel, as I mentioned, was visiting his nation of birth, Romania, to personally investigate and verify these disturbing developments, and to report to the American people what he found. What he did find deeply disturbed him.

As I mentioned, even the solemn commemoration of the 50th anniversary of the first mass murder of Jews

by the Romanian Army and police was not sacred to the forces of anti-Semitism. As of yet no violence has occurred against the 18,000 Jews who remain in Romania—directly against them. But this may be in part due to the fact that the Jewish community is so small.

It is hard for me to imagine what may drive a depraved mind that regards this group of mostly elderly people as a threat or a challenge, politically or otherwise in that country. We must remember, however, that Hitler did not start with violence either. And what he advocated did not make much sense either, at the time.

At any rate, Mr. President, this resolution speaks for itself. It is meant to be a warning to the Government of Romania to be much more firm and resolute in facing the forces of evil in that society. It is also a call to the Romanian people to cleanse the public life of that nation of these elements. Anti-Semites and ethnic hate mongers are enemies not only of the targeted minorities but also the peace and the future and the development of the Romanian people and their nation itself. I believe most of them realize that a transition to a modern and free pluralistic society and a functioning free market economy is difficult enough without the rampage of those who are spreading hatred to further divide the citizens of that nation.

Mr. President, I want to personally commend Prof. Elie Wiesel for this latest service in his continuing mission for a better and healthier humane society. That has been his mission. He has carried it on so effectively over these last number of years.

What he is trying to do in Romania is yet another chapter in that effort. I commend him for it. I regret deeply in the nation of his birth he should face the kind of taunts and anti-Semitic events that he did. But the fact of the matter is they occurred, and I think it would be regretful if we did not at least express our concern about those events and send what I hope is a very rational message to the Government of Romania that we are watching carefully.

We all recognize at some point, I presume, MFN status will be sought. Certainly, when that request comes, those of us who care about these issues are going to be looking carefully at what has happened on this kind of issue and others before we will support extending most-favored-nation status.

So on behalf of my distinguished colleagues from Connecticut, Senator LIEBERMAN, Senator LAUTENBERG, and others, Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there further debate of the amendment?

Mr. SARBANES. Mr. President, I have a parliamentary inquiry. Is the pending matter before the body the Dodd amendment on El Salvador?

The PRESIDING OFFICER. The pending amendment is amendment No. 837 of anti-Semitism in Romania.

Mr. LIEBERMAN. Mr. President, I rise to comment on the amendment on Romania that has been proposed by myself and Senator DODD. All Americans remember those days in December 1989 when the Romanian people rose up and overthrew the hated dictatorship of Nicolae Ceausescu. After decades of political repression, the Romanian people could talk about what they wished; read what they wanted; and organize politically. The Romanian people have the right to feel proud that they were able to overthrow the most tyrannical ruler in Eastern Europe.

Unfortunately, the fall of Ceausescu does not mean that all is well in Romania. This new birth of freedom has had its darker side. Old nationalistic antagonisms have been reborn; the persecution of minorities has continued.

I am concerned that the large Hungarian minority in Romania still suffers from discrimination. The Romanian authorities, for example, have rejected the idea of reopening the Bolyai University in Kluz, once an important Hungarian University, and of permitting a Hungarian consulate in Kluj. The authorities have discouraged Hungarians from setting up businesses in Hungarian areas of Romania.

Anti-Semitism is also a problem in Romania. Romania's lower House of Parliament recently struck the word "anti-Semitism" from the draft of a police law that would bar "racism, anti-Semitism, fascism, and xenophobia." The Romanian Senate restored it, but the lower House has not acted a second time. Similarly, the Romanian Parliament recently paid tribute to Romania's leader in World War II, Ion Antonescu, despite his responsibility for the deaths of approximately 250,000 Jews. I appreciate the fact that Romania's President Ion Iliescu has condemned anti-Semitism and would hope that the Romanian Parliament would also do so soon.

This amendment condemns these manifestations of anti-Semitism and anti-Hungarian attitudes. This amendment calls on the government to use every lawful means to curb the extreme nationalist groups that are promoting these views. The government, in short, must allow greater self-expression for its minorities and condemn any instances of discrimination. To fully rejoin the community of European democracies, the Romanian Government must lead the fight against atavistic racial hatreds. The ghost of Nicolai Ceausescu will not fully be exorcised until that is done.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 837) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

AMENDMENT NO. 834

Mr. SARBANES. Mr. President, I take it the matter now pending before the Senate is the Dodd amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Mr. President, I guess it would be helpful if we could get some indication from those who have been speaking as to their intentions. What happened, of course, was about 1½ hours ago, there was a motion to table the Dodd amendment which failed on a vote of 43 in favor and 56 against; 43 to 56 not to table the amendment. Of course, a vote on a tabling motion is not always indicative of a vote on the underlying amendment. I would venture to say in this instance it is probably indicative, but we have not been able, as yet, to go to a vote on the Dodd amendment.

I was wondering whether there is some way to get an indication of when we might be able to do that and then move on to the other matters that are in this bill. I know it is a matter on which Members have strong feelings on both sides of the issue and, in fact, it is the kind of issue that ought to be debated on a foreign assistance bill. It is a very important amendment and it involves a policy question. I think the Senate has indicated its position on this issue. The question is whether we are going to be able to address the amendment itself, take a vote on it and then move on to the other matters that are in this bill.

Mr. DOMENICI. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. DOMENICI. Mr. President, might I mention just for those who might not have been here or heard us, the Senator from Arizona was speaking. I do not know how long he intends to speak, but he had not finished. As a matter of fact, I stopped him twice when the other side said that I could proceed with the amendment that I had in mind. Then the second time I interrupted, he did not object, and he let me proceed.

So I believe he is going to come back shortly. I am sure that he has—I do not know whether it is 5 minutes or 50 minutes, but he was not finished. I know that very soon now he would like to speak again. That much I can tell the Senator with reference to where we are.

Mr. SARBANES. That is an important piece of information. I very much hope that if the Senator from Arizona

wishes to continue to address this amendment, we can get him back to the floor in order to do that so we can continue proper consideration of this amendment rather than sitting around in a quorum call.

Mr. HELMS. Will the Senator yield?

Mr. SARBANES. I will be happy to yield.

Mr. HELMS. The Senator from Arizona will be back within 5 minutes.

If the Senator will allow me to have the floor, I will suggest the absence of a quorum.

Mr. SARBANES. Does the Senator from North Carolina wish to speak on the amendment?

Mr. HELMS. No, I do not.

Mr. SARBANES. Mr. President, I would like to make a couple of observations, if I may, while we are awaiting the return of the Senator from Arizona to speak on the amendment.

I am not quite sure how to resolve this. I know Members feel strongly about this issue. There are many provisions in this bill which are important, some to the Members of the Senate, others to the administration. This bill, once passed by the Senate, will then have to go to a conference with the House, and the House bill differs in significant respect from the Senate bill on a number of issues, including, in fact, this issue.

Obviously, if we do not act on this bill, this issue will reappear on an appropriations bill. So it is not as though failure to move ahead with this legislation will somehow obviate the issue. The issue will obviously be right back with us. In fact, when it comes on an appropriations bill, the burden will be reversed, since at that point the administration will presumably be seeking an appropriation and the committee or the Senate will be seeking to deny it that appropriation.

In light of that, it seems to me there is not much to be gained by completely impeding the progress of this bill with respect to this issue. We have tried to discuss it. I think we had a good open, fair, and intense debate.

I appreciate that Members now may want to debate the amendment further, subsequent to the failure to table. But I hope that within a reasonable amount of time for such debate we then will be able to go on and vote on the amendment itself, which I think most people are prepared to do, although I take it not everyone. We can vote on the amendment itself and then proceed to consider the other matters that are in this bill, some of which are also controversial.

We cannot do a bill of real significance and consequence, I do not think, without having controversial aspects to it. And this issue is a clear example. People feel strongly on both sides of this issue. There are very good arguments to be made. They were made in a debate that lasted some 2½, 3 hours,

I guess, before the motion to table was made and we had a vote on that. So I hope we will be able to move ahead in some reasonable fashion.

Mr. HELMS. If the Senator will yield, I see the Senator from Arizona back on the floor. As a matter of comity, he yielded so that Senator DOMENICI could offer his amendment with the understanding that he would regain the floor. I suggest you may want to proceed.

Mr. SARBANES. I note that the Senator is back, and I think he does want to speak further on the amendment. In view of that, I will be happy to yield the floor.

Mr. HELMS. Very good.

Mr. SARBANES. I hope we can complete this discussion, complete action on the amendment, and then move on to other matters in the bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my friend from North Carolina for assisting me, and I appreciate that very much.

I would like to say in response to the comments of my friend from Maryland, I understand his desire to move forward with this bill, and I appreciate the efforts that he and my friend from Kentucky have put in during this incredibly long gestation period of attempting to get a bill of this import to the floor, not only this year but many years.

I have to add, though, what has been done here tonight is of such enormous consequence and so difficult for me and many of my colleagues to accept that I think the issue deserves a lot more ventilation. I think it deserves a lot more discussion, a lot more debate, and I intend to exercise my right as a Senator to make sure that the record is clear exactly what took place here tonight, which was a betrayal of the people of El Salvador basically.

Mr. SARBANES. Will the Senator yield on a procedural point.

Mr. MCCAIN. I will be happy to yield for a question to my friend from Maryland.

Mr. SARBANES. I certainly respect the Senator's right to the floor.

On the procedural point, it seems to me that the Senate in effect has spoken on this amendment by a vote of 43 to 56. The amendment has not yet been adopted by the Senate, but the Senate has registered its view on this issue.

Now, that does not make it the law of the land because even if the Senate were to pass the bill and send it on, there would still be many steps to go. We would have to go to conference with the House on this bill. We would have to resolve a number of issues in that conference. The conference report would have to come back and be passed by both Houses. The bill would then have to go to the President, and the Presi-

dent would have the right to veto it. And without a two-thirds vote in each House, a veto cannot be overridden.

I think there has been a clear expression of Senate opinion. Indefinite debate on the matter does not erase that expression of opinion. It may keep this bill from moving on in the legislative process, but that process itself, as we look down the road, is a somewhat extended one. I fail to see any change of view that will come on the part of the 99 Members of the Senate subsequent to the vote that we have had.

I know the Senator is upset because he was on the other side of the motion to table. He feels strongly on the other side of this issue, just as Members who prevailed on the motion to table feel strongly the other way. But I think there has been a clear expression of opinion. I do not see how moving forward to consider the other matters in the bill is going to alter that situation.

I simply make those observations for my colleague's consideration.

I thank the Senator.

Mr. MCCAIN. I thank my friend from Maryland. I appreciate his patience. In fact, I also appreciate the sense of frustration that he and many Members feel.

I would like to point out that I am not in the habit of doing this. In fact, in the few years that I have been a Member of this body I have never extended debate in this fashion. I feel that this issue will be revisited, it will be revisited either in September on an appropriations bill or it will be revisited following a Presidential veto because have no doubt, have not the slightest doubt, that the President of the United States could not possibly sign any bill with these provisions in it. He could not hold his head up in an international body if this was U.S. policy.

So have no doubt the President of the United States will veto this bill and this incredible action on the part of the Senate tonight where many of President Cristiani and El Salvador's erstwhile friends who voted to allow an outrage like this to take place did not carry through their commitments to the President of El Salvador and to the administration.

So given the fact that we will be revisiting this issue, I say to my friend from Maryland I would like to spend some time illuminating this issue to a much further degree than it was, because I am convinced that no correct-thinking individual who has a very deep sense of responsibility, as Members of this body do, could possibly, if they fully understood what is at stake, vote for this amendment.

The only conclusion I can draw is that my colleagues and friends on both sides of the aisle, several of them on this side of the aisle, were not fully informed as to what was being voted on in this amendment. So I intend to

spend some time in the process of trying to illuminate and educate them.

Would that change the vote in the short term? I doubt it. I certainly have serious doubts as to whether that would change. But in the long term I think possibly it might contribute to their better knowledge of this issue because, as I say, I cannot comprehend that a majority of this body would inflict this on a small nation that is struggling for freedom and democracy.

So in response to my good friend from Maryland, may I say that I appreciate his frustration. I appreciate the zeal with which he and my friend from Kentucky have pursued this bill. We have brought it close to reality for the first time in many, many years, and I regret enormously to stand in the way of this parliamentary procedure which is so nearing success.

But I have to weight my obligations and what I have been involved in for the last 9 years, and I tell my friend from Maryland what I have seen building and what I have seen growing is an opportunity for peace, a real cease-fire for the first time.

The first time I was ever in El Salvador was in 1983 where I watched members of the FMLN assassinate innocent farmers, destroy electrical facilities, where I saw them attack people who were at the polls who were just trying to exercise their most basic human right, and where, frankly, on the other side there was dead, innocent Salvadorans every morning along the streets of El Salvador, executed by what we all know is rightwing death squads, a horrible thing.

We have seen the tragedy of the Jesuits. We have seen the incredible tragedy in the deaths of three brave American fighting men. We have seen this tragedy go on, and here we are in the view of the six Central American Presidents, six of them, six Central American Presidents I say to the Senator from Maryland, who say what? I tell you what they say. They say, "We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador. In this sense our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population."

I say to my friend from Maryland that is no rightwing arena individual who is telling you that. That is no member of a death squad. That is the six Presidents of the Central America telling you not to do what you did tonight, not to do what you did tonight.

Who is responsible for it? And what is going to happen? The Senator from Maryland, the Senator from Connecticut, the Senator from Vermont, and I will go home to a nice warm bed to-

night. We will go home, probably have something to eat, get ready to get up tomorrow morning, and address other issues. Do you know what is happening in El Salvador tonight? The champagne corks have popped at the FMLN headquarters and you have given them new vigor, new desire not to engage in a cease-fire. There will be increased attacks on civilians tomorrow in El Salvador because what you have done for the FMLN in direct contravention, in direct contravention of the desires of six freely elected Presidents of countries in Central America is in my view an issue that should require a lot more education of my colleagues.

So I intend to continue with this education process in hopes that over time, as we have in other foreign policy issues in this body, I will be able to change the views through education and illumination of my colleagues.

In El Salvador, President Cristiani has proposed constitutional amendments on judicial reform. On April 27, 1991, the Government of El Salvador, FMLN, and the United Nations mediator signed partial accords in Mexico City covering armed forces, judicial system, and human rights, electoral system, and a truth commission on human rights cases. They also agreed on proposed amendments to the Constitution to be introduced into the legislative assembly. The legislative assembly passed a somewhat modified version of the Mexico package before leaving office at the end of April.

The assembly went beyond the terms of the government-FMLN proposal by defining the constitutional nature of the supposed supreme electoral tribunal. The current legislature must ratify the proposed amendments for them to enter into force. This in turn has depended on further progress in the peace talks toward a cease-fire and settlement. Normal secondary legislation will also be needed to implement broader constitutional reforms, judicial reforms.

No less than 6 percent of the national budget would be earmarked to support the judicial system. The Supreme Court would be reorganized, including a new form of selection of its magistrates by two-thirds vote of the legislative assembly.

The Office of the National Attorney for Human Rights would be created. The Attorney General, public defender, and new national attorney for human rights would be selected by two-thirds vote of the legislative assembly.

The structure of the national judicial council is redefined to ensure its independence from the state and political parties, and to have it incorporate not only judges but also all those directly involved in the administration of justice. A judicial training school would come under the national judicial council. Secondary legislation will reform the selection, promotion, education,

and measures to assure the fitness of judicial professionals.

These agreements, I might add, were highly praised by the U.N. observer who has been a part and parcel of these talks.

In my talks with the President of Mexico, President Salinas expressed his dissatisfaction and concern about the lack of willingness of the FMLN to engage in a serious cease-fire.

I think it is important to note that President Cristiani has agreed to a U.N.-designated truth commission to investigate human rights abuses over the last 12 years. As I mentioned, it constitutionally established an attorney for human rights. That is a very important position. The fact that a national attorney for human rights is in their Constitution I think is a major step in the right direction.

President Cristiani agreed to remove police and security forces from the control of the Defense Ministry and place them under his control. Mr. President, there were legitimate claims that there was involvement by police and security forces in the so-called death squads which were a terrible tragic thing that was inflicted on the El Salvadoran people. By removing them from the control of the Defense Ministry, it was a major step in the right direction, in my view.

He agreed to place the intelligence service under his authority alone. There were allegations, again not without foundation, that intelligence service had been providing information which had been obtained by death squads in their heinous and outrageous behavior.

He agreed to reduce the military to prewar levels. This is a very important and significant step to reduce the size of the military establishment, thereby dramatically reducing the risk of a possible course of military takeover or even increased influence on the part of the military and their government which we have seen all too often in Central American nations. They agreed to form a commission whose members will be nominated by the U.N. Secretary General to evaluate the human rights records of all military officers and decide who should be removed from service.

He agreed to abandon several infantry battalions and agreed to dissolve the civilian defense forces.

Nevertheless, the FMLN will not agree to a cease-fire.

What is the only conclusion we can draw as to why the FMLN will not agree to a cease-fire? Because they want to win with bullets what they cannot win at the ballot box. In six free elections that have been held in that country, the fact is they have been able to elect very, very few. In fact, very few have been freely elected.

The Central American Ambassadors to the United States have sent letters

to Senators stating their active support for Cristiani's peace efforts in view of the deep concern of any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

I would like to read that letter.

DEAR SENATOR MCCAIN: We would like to convey to you the active support of the Presidents of Costa Rica, Guatemala, Honduras, Nicaragua, and Panama to President Cristiani of El Salvador in his government's efforts to reach an immediate cease-fire and a lasting peaceful solution to the armed conflict in El Salvador.

In this sense, our governments view with deep concern any legislative action that would cut military assistance to El Salvador before the FMLN agrees to a cease-fire and continues its attacks on El Salvador's civilian population.

Peace talks between the El Salvador government and the guerrillas continue under U.N. auspices. It is our belief that a cease-fire agreement is at hand.

That is why it was so hard for me to understand why this amendment had to come up at this time, knowing full well that it would come up again in September.

It is the view of six Central American Presidents that a cease-fire is at hand. So what do we do? We adopt an amendment that basically sends a signal to the FMLN "Do not worry because whatever happens, we are cutting off the aid."

Assessing the progress made in past negotiation rounds, the House of Representatives deferred the debate on the FY'92 foreign assistance for El Salvador until after the August recess, to avoid sending a signal which could disrupt the peace process. The State Department has urged Congress to do the same. It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

I want to repeat again. This is not the Senator from Arizona's view. This is the view of six Central American Presidents. I repeat:

It is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions and harden the FMLN.

By doing nothing to the conditions already in place as a result of the Senate's action for FY'91, the negotiating balance during this delicate period of time could be maintained. The next several weeks are crucial to nurturing ongoing negotiations aimed at achieving a cease-fire and to giving the peace proposals a chance to be accepted by both sides.

Since 1987, Congress has recognized and supported Central American President's efforts in achieving peace in region.

We all remember the critical role that President Arias played in achieving peace in Nicaragua. Suppose we had dismissed his views out of hand on that issue.

Just last week, the Presidents of the six Central American Republics held a summit meeting in El Salvador, demanded unani-

mously that the FMLN lay down their arms, demobilize their forces, and join the democratic political process in El Salvador.

Lasting peace, economic development, and thriving democracy in Central America are as much in the best interests of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

I would suggest, Mr. President, that they have a much higher stake in the success of peace negotiations in El Salvador than we do.

We are confident that, as in the past you will rely on Central American Presidents' good judgment on how to address the delicate matter of peace negotiations in Central America.

Let me repeat that, Mr. President: "We are confident"—obviously their confidence was misplaced—"We are confident that, as in the past, you will rely on the Central American Presidents' good judgment on how to address the delicate matter of peace negotiations in Central America."

That letter is signed by the Ambassadors of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

What did the Washington Post have to say about this issue?

A stunning surge toward peace has overtaken El Salvador's seemingly unending civil war. With crucial help from United Nations mediator Alvaro de Soto, the government of President Alfredo Cristiani and the guerrillas of the FMLN have agreed on constitutional revisions that bring within reach the two final steps of a political agreement on military reform and a U.N.-supervised cease-fire.

It's not simply that an 11-year war that has taken perhaps 70,000 civilian lives is near ending. The basic structure of a feudal society is being recast to put arbitrary military and police power under civilian and democratic authority. It is not all happening smoothly or completely. The painful process of negotiation cannot possibly dissolve all the accumulated passions of decades of struggle. In the great middle, however, people tired of war and ready to take the risks of peace now dominate the debate. President Cristiani has taken the brave and necessary gamble of leashing his party's army and unreconstructed right in the middle of a war, and the further gamble of creating an inclusive national political arena. The FMLN is taking a matching risk of shifting its fortunes and energies from the battlefield into that arena.

The waning of the Cold War set the stage. Moscow and its erstwhile allies were no longer in a position or of a mind to spur on the guerrillas. Washington no longer has the same strategic reason to support the government side. To see El Salvador move into the column of peaceful and democratic nations tending to urgent domestic needs, however, remains a valid American purpose. Through the 1980s, many Americans wanted to disengage from this unhappy country. But it was American engagement that helped the Salvadorans both to defend against the guerrillas and to launch the social and political transformation that is starting to come about now.

The military aid question requires the United States to offer the sides separate in-

centives simultaneously: to stir the government to proceed in negotiations and to correct some human rights abuses but not to encourage the guerrillas to hope that the Americans will finally let the government down. Hence Washington holds open the possibility of extending further military aid to the government and hints to the guerrillas that if they stopped their attacks—such as the weekend raid on a hydroelectric dam—and moved promptly back to the bargaining table, then perhaps the resumption of aid might be mooted. The future of El Salvador is on the negotiating table.

Let me repeat: The Washington Post says the future of El Salvador is on the negotiating table, and the Presidents of six Central American countries tell us that negotiations are at a most delicate stage. What do we do here tonight? We torpedo it, for reasons that are not clear to me, and never will be.

Lasting peace and economic development for a thriving democracy in Central America are as much in the best interest of the United States as they are for the well-being of the Central American nations. We all have a high stake in the success of peace negotiations in El Salvador.

Mr. President, this action has interfered with the U.N. peace process; make no mistake about it. I wish before this vote that the Members of this body had talked to a U.N. peace observer that has been observing these talks. I know what he would have said: This is not the time, at the delicate stage of negotiations.

Remember, we could have revisited this issue very easily in September, when the appropriations bill will come to the floor, instead of doing it now. That is the decision the other body took in considering this issue, because they took into consideration that the state of negotiations are in a delicate phase.

Instead of waiting less than 60 days, we took the action that we took today. And, very frankly, this Senator is unhappy that I agreed to a time agreement, and I do not intend to do so again when this issue comes up, until I feel there has been enough information conveyed to this body.

The U.N. peace process has already made significant progress. The peace talks yielded substantial results in April, when the Government passed constitutional reforms agreed to when the FMLN covered human rights in the army, judicial system, and electoral process.

The political process has expanded significantly in El Salvador. In March, that tiny nation held its sixth consecutive internationally monitored free election. In all six of these elections, beginning in 1983, the international observers said they are full and free elections, not without violence or attempts by the FMLN to disrupt and destroy the electoral process.

I will never forget the day of the election in 1983 in El Salvador when

the FMLN radio said: Vote today, die tomorrow. Yet, the brave people of El Salvador stood in line for hours on end in the hot Sun to exercise a fundamental right. And Jose Napoleon Duarte was elected president of the nation of El Salvador: a man of courage, dedication, and a man who will live forever in the history of Latin America.

The FMLN clearly resists a cease-fire, and its military offensives have increased. Why would the FMLN military offensive increase, Mr. President? That is because the FMLN sees that they are losing. They have lost the political support of the people of El Salvador, and they are being forced by international opinion to go to the negotiating table. They have lost their sponsors in Nicaragua, and they are about to lose them in Cuba. And Marxism is dead throughout the world. And the FMLN is one of the last outposts, and indeed the last organized Communist body in Central America, as compared with 10 years ago, when in Central America, there was revolution and Marxist insurrection in almost every nation, with the exception of Costa Rica.

Mr. President, the FMLN is desperate. The FMLN sees the world opinion and the opinion in El Salvador. Their traditional sponsors, Cuba and the Sandinistas, are either going or are gone. What do we do? We decide to send a message to them: Hang on, guys, because we are just going to do whatever we can to harm the ability of the freely elected Government of El Salvador to bring this peace process to a successful conclusion.

This amendment punishes El Salvador and rewards the FMLN. This is a group of people—and I do not enjoy bringing this up again, but this has been an integral part of this debate. This group slaughtered two American fighting men. One was trying to run away, and the other was slain, apparently, while he was still unconscious from the crash.

The Government of El Salvador has made enormous progress. This amendment is much harsher than last year's law, because it withholds 50 percent of all military aid, and subjects all obligations to the reprogramming process. We all know that the reprogramming process is one which is easily changed and is easily—when an issue or an appropriation authorization is subject to reprogramming, it can get very complicated. Under this process, it gets even more complicated because any one of four congressional committees—House Foreign Affairs, Senate Foreign Relations, and House and Senate Appropriations—can withhold all funds indefinitely.

This amendment, interestingly enough, I say to my colleagues, was defeated by a bipartisan coalition of Senators when it was offered in the Foreign Relations Committee. Who should

know more about the issue than members of the Foreign Relations Committee? Yet, they have defeated this amendment. Yet, when it comes to the full floor, obviously, we know the result.

This amendment, I have no doubt, will give the FMLN renewed hope that the Government will be defenseless. I think that we should say a couple of words about the administration's behavior in this intervening year.

In January, the administration determined that the FMLN had violated last year's law by targeting civilians during its November offensive. It was incontrovertible that civilians were needlessly and wantonly slaughtered by the FMLN in their offensive in November.

They imported new Soviet SA-14 surface-to-air missiles and other weapons. The Sandinista army confessed to selling those missiles, which are amongst the most sophisticated weapons of war, to the El Salvadoran FMLN.

The administration unilaterally refrained from spending withheld funds until July. That was an action that was not forced by the Congress but by a man whom I have the utmost respect and admiration for, Mr. Bernie Aronson, the Assistant Secretary of State for Latin America, who determined that it would be in the best interest of peace to withhold certain assistance, and they unilaterally refrained from releasing the withheld funds until July.

The aid released in July has been limited to nonlethal assistance, including medical supplies and prosthetics.

There is another lesson here, Mr. President. Why not let the people that we asked to do the job do the job? Just like we asked the President, thank God, by a vote of 53 to 47 to carry out whatever he needed to do in the Persian Gulf, and we let him negotiate a START agreement, and we let him negotiate a CFE agreement. Why do we not let him conduct affairs in Central America?

The only conclusion I can draw is this is the liberals' last gasp. This is the last place. This is the last place on the globe that the liberals have a chance to maintain a body in being that is—I will not continue along that line of conversation. But the fact is that the administration has handled this issue and this Nation and the issue of aid in an outstanding manner, and in the opinion of all objective observers, this Government has contributed to the peace process and brought us to a point where, in the view of six Central American Presidents, a cease-fire is near at hand.

Unlike the other body, we decided that we had to lay this onerous amendment on the people of El Salvador. You know, Mr. President, this is something a little bit disturbing to me and I wonder—I think my colleague from Texas

might agree with me—this is something a little disturbing to me that the elected, operating President of the nation, in this case the President of El Salvador, has to get on the telephone and talk long distance to Members of the U.S. Senate and literally urgently request their assistance to help him in what he thinks is best for his country. This is a President, in the view of international observers, that is freely elected, a sovereign Nation which is fighting for its very existence against a Marxist insurrection that has no regard either for the lives of American soldiers or innocent civilians and he has to beg Members of the U.S. Senate, albeit this time unfortunately unsuccessfully, to comply with his wishes and those of five other Central American Presidents. Frankly, Mr. President, I do not understand that.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. MCCAIN. I am glad to yield for a question.

Mr. GRAMM. I want to propound some questions, if I may, to the distinguished Senator, but I want to begin by saying that I wish every American could have heard his speech. We have in the pending amendment a return to the policies of the 1960's. I think it is a great paradox that we are returning to the policies of the 1960's, which produced defeat for America around the world, while we stand in the very shadows of one of America's greatest successes that occurred when we let a courageous President unite the world behind his leadership.

Now, Mr. President, I know that many people have not had an opportunity to hear the Senator's speech, so I want to just go back as a person who is not an expert, as our distinguished colleague from Arizona is, in this whole region and this whole dispute I want to ask a couple of questions to be sure that I have clarified in my mind exactly what the facts are, and perhaps others hearing these facts might be enlightened.

Was the President of El Salvador, Cristiani, elected in a free and fair election? Did we have observers at that election? Did they verify that in fact the will of the people was carried out in the election process?

Mr. MCCAIN. I would like to respond to my friend by saying not only is it the view of this Senator that he was elected and chosen by the people of El Salvador in a free and fair election, but there were international observers from all parts of the world who came to El Salvador and observed those elections, and for the sixth time the people of El Salvador were privileged to engage in a free and fair election.

Mr. GRAMM. This duly elected President, who was elected in an election that was observed by impartial observers from around the world, is being told, is being forced, in this amend-

ment, through a withholding of support, to negotiate with the FMLN?

Mr. MCCAIN. The Senator is correct.

Mr. GRAMM. Did the FMLN have a candidate in this election?

Mr. MCCAIN. The FMLN had candidates in that election indeed.

Mr. GRAMM. What was their campaign technique?

Mr. MCCAIN. Let me clarify it in response to my colleague. There was a politically former card-carrying member, and I think that is an appropriate description, of the FMLN who was elected to the assembly in that election in El Salvador.

Mr. GRAMM. Did I hear my colleague correctly when he said that the FMLN, during the election that we monitored, that their radio transmissions were sending out the word that if people stood in line and voted, they would be killed the next day?

Mr. MCCAIN. I respond to my friend's question by answering that the FMLN radio message was, "vote today; die tomorrow."

Mr. GRAMM. We had two American military personnel killed in El Salvador. Were they killed by members of the FMLN?

Mr. MCCAIN. I say to my friend we have several reports, including the U.S. military pathologist report on this execution. It was not a killing; it was an execution by the FMLN guerrillas of two U.S. servicemen. There were three U.S. servicemen on board a UH-1 helicopter flying at low altitude. I would like to point out to my friend from Texas the reason they were flying at low altitude was because the FMLN had acquired the surface-to-air missiles, the SA-16 missiles, which forced them to fly at low altitude, thereby exposing them to ground fire from the FMLN.

May I just say very briefly, in response to my friend, one of the American servicemen was killed upon impact, two were executed by the FMLN, and I might add that there has been no effort whatsoever on the part of the FMLN to bring these individuals to justice or even give an accounting of this incredibly brutal act inflicted on two American fighting men.

Mr. GRAMM. I notice that this amendment demands action of the elected Government of El Salvador. Does this amendment ask that the FMLN be held accountable for killing American service personnel?

Mr. MCCAIN. I say to my friend from Texas, perhaps the authors of the amendment can respond better than I can, but I am unable to see any mention of the execution of two American fighting men in this amendment, only obligations to be assumed by the Government, the freely elected Government of El Salvador.

Mr. GRAMM. It is my understanding that six democratically elected Presi-

negotiations that have been pushed forward by the Government of El Salvador continue and not be interrupted; is that right?

Mr. MCCAIN. According to communications received, my friend is correct. In fact, not only do they urge that we not act, but they also point out what still causes me to shake my head in disbelief, because they say: "It is our belief that a cease-fire agreement is at hand and that assuming the State Department has urged Congress to do the same, it is our belief that any legislation deemed to impose restrictions on military aid will undermine the U.N. negotiations, polarize the bargaining positions, and hearten the FMLN."

Mr. GRAMM. So, Mr. President, let me see now if I have the picture. You have a duly elected democratic government, a President who was elected in an election that welcomed neutral observers and they concluded that it was a free and fair election.

Mr. MCCONNELL. Will the Senator yield, whoever has the floor.

Mr. MCCAIN. He is correct.

I am glad to yield for a question.

Mr. MCCONNELL. I was one of the observers. I was the chairman of the President's election observer team in March 1989. I can tell you it was a free and fair election in which people, as the Senator from Arizona pointed out, came out against all odds, that is the odds that they get shot, and exercised their right to vote in substantial numbers. No question about the legitimacy of the Cristiani government.

Mr. GRAMM. So we have a Government that was elected by people who risked their lives to vote for that Government. Their lives were imperiled by the FMLN, and yet this amendment proposes to withhold funds from that elected Government even though that Government's peace efforts have been endorsed by six duly elected Presidents in the region and forcing, with this amendment, new negotiations, through the withholding of funds, with the FMLN, which killed two of our service people?

Mr. MCCAIN. The Senator is correct.

Mr. GRAMM. So I take it that my colleagues concludes that what we are doing here is undercutting a duly elected Government that was elected by people, whose lives were threatened by the FMLN, and in the process strengthening the resolve of the FMLN in those negotiations related to the conflict. Now the FMLN, what sort of people are they?

Mr. MCCAIN. I would like to respond to that by just saying that clearly the action that they took in executing two U.S. servicemen indicates what kind of people they are. The continued assault on civilian population, the assassination of mayors, the attempt to destroy the economic infrastructure of the country which goes on on a daily basis makes it clear that we are dealing with

not just Marxists, because that is their ideology, but what is most alarming is their tactics which are basically a scorched Earth policy, that if they cannot have it then nobody else can. And it has taken some very interesting courses of action, including an attempt to assassinate every elected mayor of the small towns and villages in El Salvador—making the mayor of a village or town in El Salvador perhaps the most risky enterprise that one can embark on—knowing full well that if you can destroy democracy at the grassroots level, the chances of democracy succeeding are minimal.

So I would say in response to my friend from Texas, these people are battle hardened, they are tough, they are mean, and they are dedicated not to peace and a cease-fire, clearly by their actions—and that is a judgment, by the way of a U.N. observer, not me—but they are also capable of the most heinous acts ranging from the slaughter of innocent civilians to the execution of two U.S. American servicemen.

Mr. GRAMM. Mr. President, having heard all that, let me just conclude by saying that it is an amazing thing to me that the Senate appears to be in the process of adopting an amendment which undercuts a duly elected Government that was elected by people who risked their lives to vote. Their lives were threatened by the very people who are strengthened by this amendment. And it seems to me that in the process—through no one suggests that this is the intention of the amendment, I think the bottom line is that this amendment, if adopted, and in fact even by it being debated, has strengthened the position of one of the last Marxist revolutions on Earth. In fact, I guess one could say if Marxism dies in El Salvador and drowns in Cuba, that it is dead in the Americas.

Mr. MCCAIN. I would say that the Senator is correct in his assessment. I would also, maybe for the purist—as he knows there is a movement in Peru called Shining Path, which is Maoist in nature. So there is obviously another Marxist problem, although they are viewed as Maoists and really off the scale when you are trying to determine what kind of people they are.

But the Senator's point is correct. The interesting thing about it is, look at the situation 10 years ago across Latin America; it was full of dictatorships on the right or the left. It was full of Communist insurgency. And because of the policies of Ronald Reagan and George Bush, we have seen a dramatic turnaround of incredible and unprecedented proportions.

Even the poorest nation in this hemisphere, Haiti, now has an opportunity to exercise a free and democratic government, something that most of us did not contemplate. The largest countries in Latin America, Argentina, and Brazil, have gone from military dicta-

torships and totalitarian governments to freely elected ones. Albeit those that are struggling, Chile, which labored under the totalitarian rule of Pinochet for many, many years, is now not only a thriving democracy but I am happy to say a thriving economy as well.

So we have seen, as the Senator from Texas has said, the demise and the sunset of those who were believed by people, like Fidel Castro, as the future of Latin America now rapidly becoming the past. And we do not owe that to an accident. We owe it to policies implemented by two administrations to encourage freedom and democracy, defend it where necessary and on occasion, as regrettable as it may be, supply arms to those who seek to throw off the yoke of Communist oppression, as we did in the case of the freedom fighters in Nicaragua.

So the Senator is correct. And yet what do we come back down to? It is this bizarre episode in the history of the U.S. Senate. And I say bizarre because here we have six Central American Presidents who are asking us to do nothing, at least during this sensitive period, and yet we insist on doing this now, which is, as I say, an incredibly unusual circumstance which is hard to understand.

Let me also remind my friend from Texas that if the cease-fire had been agreed to, as the Central American Presidents predict that it will be, then there would have been no need for this debate. There would have been no need for this amendment.

We have spent all this money on economic assistance to a country that finally emerged from well over a decade, more like 15 years, of strife and bloodshed and civilian killing. What was the rush, I would like to ask the author of the amendment? What was the hurry? Could we not do what the other body did? The leadership of the other body made a conscious decision listening to the request of these six Central American Presidents to wait until September. And, as I mentioned before, we had another vehicle.

But I must again emphasize that this amendment will not succeed because the FMLN is not going to succeed. Now this may provide them with some encouragement. There is no doubt. It may provide them with some impetus. But their day is done, my friends.

And the thing that bothers me is not the inevitability that a democratic and freedom-loving and peaceful government will come to power and remain in power in El Salvador, what does concern me is the bloodshed and the innocent suffering that will take place in the meantime because of our failure to reach a cease-fire at an early and opportune time.

Mr. GRAMM. If the Senator would yield just one moment.

Mr. MCCAIN. I would be glad to yield.

Mr. GRAMM. It is obvious that the proponents of this amendment appear to have the votes. I am totally convinced, having listened to our dear colleague, that their position is wrong-headed; that the adoption of this amendment will encourage Communist insurgency in Central America and delay the day which will come—and I agree with my dear colleague—the day will come when communism will die in the Americas and die all over the world.

But, Mr. President, fortunately, here in the Senate, the majority alone does not always rule. Because under the rules of the Senate, as the world's greatest deliberative body, in order to end the debate, the proponents of this amendment are going to have to clothe this amendment. And while our colleague has given us a long and, I think, excellent lesson tonight, I am sure that many have not heard it and I am sorry that they have not. But I have heard it, and I want to assure my colleague, this amendment is not going to be adopted unless the proponents of this amendment can get 60 votes to cut off debate, and I am sure by this point that they are aware of it.

They may have the votes, but they are not right on this subject. This amendment bucks the tide of history and the tide of history is not easily bucked.

I thank our dear colleague for having enlightened us this evening.

Mr. MCCAIN. Mr. President, I appreciate very much the remarks of my friend from Texas, who I have often maintained has a degree of brilliance and insight that I have never encountered on a variety of issues, and one of those is his love and commitment for freedom for people in Latin America.

I have had the privilege of traveling with him on several occasions to Central America where he, among other things, administered a lesson in economics to the then Sandinista leadership. I noted, I say to my friend from Texas, that they did get one part of the lecture and that was to do with the acquisition of property, because when they were voted out of office, as you know, they immediately absorbed the best homes, automobiles, and bank accounts that they could lay their hands on, literally looting the country.

I am sorry they did not listen to the rest of my colleague's lecture to them as carefully.

I wonder if my colleague from Wyoming has a question?

Mr. WALLOP. The Senator from Wyoming does have a question, if the Senator from Arizona will yield.

Mr. MCCAIN. I will be glad to yield to my colleague.

(Mr. BRYAN assumed the chair.)

Mr. WALLOP. It seems to me the debate tonight and the resulting vote has the ability, indeed almost the certainty, to disrupt the U.N. peace talks

which are now taking place, and which were, so far as anybody knew, very close to an agreement. Would the Senator agree with that?

Mr. MCCAIN. I would agree. My friend from Wyoming is exactly right.

Mr. WALLOP. If that is the case, and if they do provide some level of encouragement for the FMLN, does the Senator from Arizona have any doubt that this strengthens the likelihood that there will be bloodshed, not only in El Salvador, but in other countries throughout Central and South America?

Mr. MCCAIN. I would say there is not a doubt in my mind. And the tragedy is doubled in nature, due to the fact that in the view of the U.N. observer, six Central American Presidents, and any objective observer of this process, that a cease-fire was at hand.

Mr. WALLOP. So what could possibly be another message that the Senate would send by that vote, that could be interpreted in some positive way by the people of Central America, let alone El Salvador, that the United States is committed to the advancement of democracy?

Mr. MCCAIN. My friend from Wyoming poses a question I simply do not know the answer to. Perhaps at some point, because we will be revisiting this issue and renewing this debate, we could engage in a colloquy with the sponsors of the amendment so we could get a more informed answer.

Mr. WALLOP. It seems to the Senator from Wyoming, if we look at the amendment and its phrasing, and its obvious intent, that its intent absolutely seems to me to assure victory where total loss has been the result. I mean, in fact the people of El Salvador had spoken. The governments, the constitutional and democratic governments—and is that not fun to say about those six governments—had said that the loss had occurred and had ordered, to the extent they were able to, the FMLN to lay down their arms and to participate with the rest of the people of Central America in democracy.

It seems to the Senator from Wyoming there can be only one conclusion that is drawn, that the authors of the amendment wish to send by way of their message, and that is that they do not believe in democracy in Central America.

I know that is a harsh statement. I say it advisedly. I say it fully cognizant of what the consequences of that statement are. But nonetheless, one can draw but little other conclusion.

Mr. MCCAIN. I would like to respond to the question of my friend from Wyoming on that because I think it is very important, especially since one of the cosponsors of the amendment is approaching the floor.

I believe that this amendment is crafted with the best of intentions by

gentlemen who clearly believe that what they are doing is in the best interests of the people of El Salvador. And I have no question whatsoever that their zeal matches ours for democracy and freedom in Latin America and throughout the world.

Unfortunately the unintended consequence of this amendment is devastating, in my view, to the goals we all share. That is my response to the Senator's question.

Mr. WALLOP. But would the Senator from Arizona agree that while we see the island of Cuba on the threshold of collapse; we have seen the collapse of Communist dictatorships and insurgencies throughout this region—I think the Senator quite correctly identified the Shining Path and Maoist guerrillas as a lingering aberration to this pattern—but it seems to the Senator from Wyoming, as you see this collapse, and these failures taking place, that it would be the appropriate thing for the Senate of the United States, the Government of the United States, and the people of the United States, to send as a message that we agree with what you have done and we are grateful for your courage, and you have a ways to go. But you can go that way only by further democratizing your country.

Mr. MCCAIN. I think the Senator is correct. For part of his question that he was stating before, I think it would be educational for this body if we got a couple of maps up here—which we will not—of this hemisphere in which we reside: One map showing those nations in Latin America and in this hemisphere, 10 to 15 years ago, that were under totalitarian or Marxist governments, and have the map next to it that shows the condition of the countries of this hemisphere today. We would find dramatic change. And some of them not even able to be described too well on the map. To wit, our most southern neighbor, as my friend from Wyoming knows, has made dramatic changes and dramatic improvements. Still some distance to go but far different from the kind of government they suffered under 15 years ago, which we described as "democratic."

Mr. WALLOP. But is it not the case that democracy always has some distance to go?

Mr. MCCAIN. Absolutely.

Mr. WALLOP. The nature of democracy is, it is the one revolutionary form of government that can make its change and seek its advance through the perception of its people without resort to arms.

Mr. MCCAIN. The Senator makes an excellent point.

Mr. WALLOP. So once we now say to those who would confront the fledgling democracy of El Salvador—and, yes, it has a long way to go; so, too, does the Government of Nicaragua; so, too, does the Government of Costa Rica; so, too,

the Government of the United States—but how can you go in those directions and achieve something for the benefit of the people, without a democracy, and only through the force of arms which is the sole response the FMLN has been able to muster?

Mr. MCCAIN. I would answer my friend from Wyoming, by saying he is exactly right. I also wish that every Member of this body would have had the opportunity that the Senator from Kentucky had, that I had, and several Members of this body had, and that is traveling to an election in El Salvador. They have had six of them. So six Members of this body have been able to go.

What do you see there? We come from a country that has roughly a 40- to 45-percent voter turnout in Presidential election years; less than that in what we call off-year elections.

Here you see the people of El Salvador, standing in line for hours on end in the hot Sun in order to exercise this fundamental right. And they have a vested interest in their elected leadership, in this case, Cristiani; in the previous case, President Jose Napoleon Duarte. They want those people to succeed. And the FMLN were invited to participate in this process and their response was, "vote today, die tomorrow."

Mr. WALLOP. Is it not true that not only did they not participate in the process but they threatened those who did with death, destruction, and assault on their mayors, and assault on the civilian structure which is the very essence, the underpinning of democracy?

Mr. MCCAIN. Indeed I would say to my friend that is true and, not only did they threaten it but they were able, tragically, to carry it out.

I would point out on balance, so my friend from Wyoming and others, the Senator from Texas and the Senator from Idaho, are not accused of showing bias here; there were incredible abuses from the right. We all recognize there were death squads, action by the military, there were atrocities, all of which we condemned and all of which were heinous and unacceptable. But when you look at what has happened and transpired over the years due to the fact that they had freely elected governments and Presidents, we see a gradual but steady, and inexorable, reduction of these abuses from the right.

But what have we seen from the left? Intransigence, death, assassination—the traveling of the Four Horsemen of the Apocalypse across the unhappy landscape of El Salvador.

Mr. WALLOP. It seems to the Senator from Wyoming, and I am sure my friend from Arizona would agree, that viewing the totality of the history of the United States, that of Britain, that of France—which first recognized human rights in their constitution—

that of any democracy that you wish to find, that there were moments in that passage where there are abuses from the right or the left that are beyond the immediate reach of democracy but come within its reach by virtue of the devotion to the ballot box and the freedoms with which democracy is associated.

Mr. MCCAIN. I agree with my friend, and the great thing about democracy, I respond, is the example of the leaders that they have chosen.

I would like to describe the two primary ones to my friend from Wyoming while we are in this discussion. One, Jose Napoleon Duarte. Jose Napoleon Duarte came from a peasant family home of humble origins. My friend from Wyoming knows how difficult it is in Latin America for someone who comes from what is a lower class environment to rise to the top. Jose Napoleon Duarte worked. He achieved a scholarship to the University of Notre Dame. He came back to his homeland. He did not get a job in the United States as, unfortunately, so many men and women of talent do. He went back to El Salvador, fought for democracy, suffered imprisonment, suffered incredible deprivation both for himself and his family, ran in the first free election that had been held in El Salvador in many, many, many years and was elected President of that nation.

Mr. President, I wonder what Jose Napoleon Duarte would say tonight. I wonder what he would say tonight. I think I know because I got to know him pretty well over the years. I will tell you what I think he would say. "Do not do this to us. Do not do this to us, this tiny nation."

It is a tiny nation, Mr. President. There are not a lot of people there. There is not a lot of land mass there. He would say, Listen to my colleagues in Central America. Listen to my five freely elected presidents of my region. Listen to them. Do not accede to some incredible and bizarre interference in a process at a critical time when we are about to achieve what Jose Napoleon Duarte lived and died for. We know what Alfredo Cristiani would say, the next president who succeeded him, who, by the way, was described as too far right; that D'Aubuisson would control whatever he did, et cetera. Instead, Alfredo Cristiani has emerged as a man of enormous leadership, of enormous charisma, and a man who is incredibly popular with his people.

We know what President Cristiani will say concerning this amendment because he was on the telephone literally begging our colleagues who came to El Salvador and who told him they were his friends, said they wanted to help him. What did we give Alfredo Cristiani? What did his erstwhile friends give him? They gave him exactly what he thinks is the worst blow to the prospects for peace that could

befall his country. That is not this Senator's view, that is President Cristiani's view.

Mr. WALLOP. Mr. President, is the Senator in agreement that there is an element of arrogance in the amendment before us that suggests somehow or another this fledgling democracy, and those surrounding it, can achieve perfection when we ourselves spend our days, when we are not debating foreign aid authorization, doing things to improve our country? We passed a crime bill, not because we had achieved perfection and the control of crime in America, but because we had not.

It seems to me that the underlying premise of this amendment is so arrogant as to say that you who have not been in democracy for more than a decade must somehow come up to a measure that we ourselves in this country have yet to achieve. Is there something quirkish about that?

Mr. MCCAIN. Mr. President, I say that my description would probably be, and perhaps a gentler description might be, insensitive; insensitive to the request of six freely elected Central American nations; insensitive to a man who was elected president of a nation in a free and fair election; insensitive to the United States Government executive branch who has done everything they can to try and prevent just this amendment which has been proposed today.

So I have to say probably insensitivity is a kinder and, hopefully, more appropriate description of what we have seen.

Mr. WALLOP. I say that I will not attempt, in any way, to give the same view that the Senator from Wyoming holds. But my view is, the word I chose is, close to that. I will not ask my colleague to agree with that, and do not.

But I ask him what the civilian population of El Salvador is to expect, now that we have essentially undermined the capacity of their military to protect them? What can their view be of the behavior and the action of the Senate of the United States? They had thought that what we were doing with our military aid, I assume, was not to achieve perfection but to achieve a level of stability so that democracy could advance in their country. What do they think tonight?

Mr. MCCAIN. I am sure that the emotions range from what I already heard, from profound dismay, and sorrow, to fright. I say to my friend from Wyoming, if I were the mayor of a small village in the rural mountains of El Salvador and I just heard that the military aid was going to be cut off, I would feel a great deal less secure because if those mayors have seen a calculated program which we have captured—documents of assassinations of the mayors of those towns and villages which, as I mentioned earlier, the best way to undermine democracy is to destroy at the grassroots level.

I suggest the gamut of emotions range from, as I said, sorrow, to anger, to fear. Unfortunately, none of those emotions, except in the camp of the FMLN, are emotions that we would hope for. I imagine, and I have some confidence, that in the camps of the FMLN tonight there is a certain celebration.

I send a message to those members of the FMLN that there are Members, including the Senator from Wyoming, including the Senator from Florida, who are here who will fight, and fight, and fight, and fight, to try to see that this tragedy does not befall, again, a nation upon which so many unfortunate tragedies have been visited far beyond what seems to be proportionate or fair.

Mr. WALLOP. I thank my friend from Arizona.

At an appropriate time later on I will have some remarks of my own. But I will conclude this colloquy by saying that whether it is insensitive, or it is uncaring, or it is unknowledgeable, or it is intentional, the result to the people of El Salvador is the same: It is a guarantee of further bloodshed and a guarantee of the postponement of the time when democracy leads them to a peaceful society.

I thank the Senator from Arizona.

Mr. MCCAIN. I thank my friend from Wyoming for his very insightful questions and views on this issue. I am deeply appreciative of his commitment to democracy and freedom which he has displayed for far more years than I have been a Member of this body.

Mr. President, I was discussing earlier a man who I have grown to admire and respect a great deal, and that is President Cristiani. I also mentioned that President Cristiani was educated in the United States and he understands the United States. I hope he understands tonight that we have lost a battle but not the war. I do not underestimate the significance of this battle that we lost.

At the same time, we will be revisiting this issue, and we will, as long as we control the executive branch in this Government, have, thank God, the President's veto assured when something like this is passed by the U.S. Senate.

Mr. President, I think that it is important to recognize that no one values or treasures freedom, and independence, and respect of human rights, more than President Cristiani.

I would like to quote from some of the statements he has made in hopes that we can better understand what is being done in El Salvador and what their hopes and aspirations are.

President Cristiani wrote not too long ago as follows:

What I am about to say may come as a shock to many Americans, but El Salvador, regarded by some as the quagmire of Central America, is on the verge of becoming El Salvador, a triumph for democracy in Central

America with thanks to a considerable assist from the United States.

How dare we be so optimistic? Consider the ground we have covered in the past 12 months toward a just peace and sound economic development.

We are close to ending the 11-year-old guerrilla war with a peace agreement that would make winners out of all Salvadorans and strengthen our democratic process. The only losers are the extremists on the left and the right who tried to impose their own nondemocratic systems on us.

Despite predictions that we would never investigate much less prosecute military officers for criminal acts, four army officers and five enlisted men accused of the barbarous murder of six Jesuit priests and their two women housekeepers 18 months ago will go on trial, possibly within the next three months.

Mr. President, I think it is well to point out that when we criticize the lack of speed associated with the judicial process in El Salvador, it might be well to point out that we have had a guy sitting in a Miami jail for the last 18 months in the form of the former dictator of Panama, and as far as I know charges have not even been brought against him yet. So I think that before we become too critical about the lack of speed associated with the El Salvador judicial system, it is well to look at our own.

But that does not excuse, Mr. President, any deviation from the path of justice in the barbaric act of the murder of six Jesuit priests and their two women housekeepers, which is totally unacceptable.

In the economy, we have suffered through the first difficult steps to reverse the downward spiral brought on by heavy-handed state interference and to lay the groundwork for a market-oriented system that rewards individual initiative. Last year inflation dropped significantly, agricultural production and exports turned around, and our overall economic growth was the highest since 1979, before the war began.

Mr. President, I think that is a notable comment, the fact that still in the midst of a civil war, still when the FMLN is trying to destroy the infrastructure of that nation, they had a better economic year than 1979 before the war began.

We have high hopes for continuing this trend and achieving our electoral promise of reducing severe poverty. Meanwhile, a special Social Emergency Program is doing much to minimize the adverse impact on the lowest income groups of the drastic measures we were forced to implement.

Nothing will improve our economy so much as peace. Last month after three weeks of intense negotiations with the Farabundo Marti National Liberation Front (FMLN) in Mexico City under the auspices of the United Nations, we laid the constitutional foundation for a final truce agreement that we hope to reach when we reconvene negotiations. The constitutional reforms, which we are already in the process of enacting, place the military firmly under civilian control, set up a civilian police force, strengthen the independence of the judiciary branch and establish a special prosecutor for crimes against human rights.

These reforms go to the heart of the critical problems that plunged our country into a decade of violence. When we took office in 1989, it was the first time in our history that the administration was passed from one elected civilian president to another. Every other elected government had been ousted by a military strong man. It is a major sign of our growing maturity as a democratic nation that our military men are now willing to accept civilian control.

Mr. President, I have personal experience with some of the military men in El Salvador, and by and large there is no doubt that there has been a change in their attitude and there is a willingness to accept civilian control which, of course, as we all know, is a critical aspect in the ability to implement a free and democratic society.

The stage is set for all of these reforms to be cemented into law as soon as the FMLN accepts a cease-fire. It is now up to the FMLN to forswear its terrorism and back off its attempt to impose a bankrupt Marxist system on unwilling Salvadorans. We are encouraged that Joaquin Villalobos, one of their five top leaders, declared that he has given up Marxism to become a Social Democrat.

This change that is sweeping the world, my colleagues, has even penetrated the jungles of El Salvador.

Actually, without admitting it, the left has already become a part of our democratic system; as a result of our March 10 legislative elections, Ruben Zamora, a member of the left's political front, has been chosen vice president of the new National Assembly, and a member of Schafik Handal's Communist Party has one seat in the assembly. Handal is another of the five guerrilla leaders.

Those popular elections, the seventh we have held in the last 10 years, were an important watershed for our efforts to fulfill our campaign promise of bringing peace and unity to El Salvador. While on the surface it appeared that our party, Arena, lost ground to the Convergence of the Left, which won eight seats, the real significance is that the left finally participated in our democratic system and discovered that it could win a meaningful role. Even though Arena remains the most popular single political party, the way is clearly open for the left to have a genuine opportunity to influence policies through political compromise within our democratic system, making violence unjustifiable.

These are the very goals the United States set when it began assisting us in the 1980's. With success for your policy so near at hand, we urge Congress to see us through to the end by continuing its aid program. However, last year's action of withholding military aid to supposedly force the Salvadoran military to support the peace process sent the wrong signal to the FMLN. While we made concessions, the FMLN sought to exploit the situation by smuggling in arms and launching a bloody offensive against the civilian population, which included the cold-blooded murder of two downed American pilots. Wisely, President Bush, citing the FMLN aggression, decided to restore the aid.

We urge Congress this time to demonstrate its support for the democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay. Once a cease-fire is in place, we guarantee to redirect military

funds toward assisting and retraining the combatants on all sides for useful civilian roles and to rebuilding the infrastructure of our war-ravaged rural areas. Then, we will be truly beating our swords into plowshares.

Mr. President, that is another reason why I am befuddled by this amendment at this time, because clearly if a cease-fire had been implemented, as all objective observers, including the six Central American Presidents viewed it, then there would not be a need for military assistance because the Government would then have been able to redirect all military funds into non-military use which gives one pause as to why this amendment had to be brought up at this time.

Free elections, Mr. President. We have not elected a Communist to either body of the United States in my memory for a long, long time. I understand there is a member of the Socialist Party in the other body. But the fact is that with the elections in El Salvador their society is free enough that two of the five guerrilla leaders have been elected to the Assembly, one of them a well-known former leader named Ruben Zamora. And, as I mentioned, the Communist Party has one seat in the Assembly held by a follower of one of the guerrilla leaders in their elected body.

Mr. President, it seems to me curious, in fact unfathomable, that we could not listen to President Cristiani who said, "We urge Congress to demonstrate its support for the Democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay."

Instead, what happened last year, which triggered a bloody offensive on the part of the FMLN and further intransigence in the peace process while the Government of El Salvador made concessions, the FMLN exploited the situation by smuggling in arms and launched a bloody offensive and I might add, not inconsequentially, Mr. President, the death, slaughter, the execution of two brave young American men who were down there in an unarmed mission flying over the country of El Salvador.

Mr. President, I think it might be well for us to understand and appreciate the courage of the people of El Salvador. They are a wonderful people; they are resilient; they are courageous. In fact, their courage under the duress that they have experienced for the last 12 years is sometimes hard to understand.

Let me just tell you what the 12-year-old conflict has caused, including more than \$2 billion in damage. Most recently, the economic loss, direct and indirect, in 1989 totaled \$191 million, and \$125 million in 1990. The decrease is attributed chiefly to the absence of a major FMLN offensive similar to that of November 1989.

In value-added terms, actual production losses to industry, commerce, and agriculture in 1990 totaled \$45 million, equivalent to 1.2 percent of GDP. These losses likely reduced real GDP growth by more than a quarter. In 1990, the FMLN spearheaded its war against the economy by a relentless campaign against the electric power system. The FMLN executed more than 1,000 bombing attacks against primarily second transmission lines and power stations at a cost of \$6 million.

Sabotage kept primary transmission lines operating at 15 to 20 percent below capacity. Potable water and other services were seriously disrupted. The FMLN also caused widespread property-crop-equipment damage in several dozen major attacks against large agricultural mill complexes.

War-related damage to the principal Salvadoran export crops in 1990 was estimated at \$6 million. This figure includes destruction of physical plants and equipment. The war in the countryside has forced thousands of farm families to flee to urban areas or immigrate in search of greater security.

In 1990, direct damage to urban business concerns was substantial. The FMLN bombed more than 150 private firms, commercial banks, office buildings, movie theaters, car dealerships, travel agencies, and vendors.

Businesses also suffered indirect losses resulting from sabotage and induced slowdowns in commercial activity. No reliable estimates are available for war damage in 1991. However, in the absence of peace, the economy continues to be burdened with lower business earnings, sluggish levels of private direct investment capital flight, and a diversion of scarce resources to the war effort.

Mr. President, these damages are incredibly mind-boggling when you consider the size of this country. How a tiny country of just a few million people can continue to undergo this suffering is hard to understand.

But let me point out, Mr. President, that it also explains why the people of El Salvador are so dedicated to peace, why they bend every effort to a peaceful resolution of this conflict, and why they have taken such a deep and abiding interest in a free and fair election.

Mr. President, as I mentioned, in 1983, I traveled to El Salvador for the first time to observe the elections taking place there. I was literally staggered by the fact that El Salvadoran men and women would stand in line for 8 to 10 to 12 hours, some of them having walked for 4 and 5 and 6 hours in order to get to a polling place.

They did not do this, Mr. President, because they thought the system was corrupt. They did it because they knew that the previous system was corrupt, and there was this opportunity to exercise the most precious and basic right, and that is to elect our leaders.

They elected a leader, Mr. President, a leader of enormous stature, a man who will live in my memory forever as a great patriot. And his successor is a great man. His successor is a man who has brought about economic and political change, continuing in the footsteps of his predecessor, and President Cristiani deserves credit.

What did he get from the U.S. Senate tonight? He asked for, he urged the Congress this time to demonstrate its support for the democratic forces in the new aid bill in order to send the FMLN a clear signal that it must accept a cease-fire without further delay.

What did we give President Cristiani and the freely elected Government of El Salvador, and the national assembly, and the entire spectrum, from right to left? We gave them a different message tonight, Mr. President. We gave them the message: Do not worry; we are going to cut off the ability of the El Salvadoran Government to defend its citizens. And we are going to do this under circumstances which could not be worse because the circumstances as they exist, as we speak, are—according to the U.N. observer, according to the media, according to experts in the area, according to our State Department—that a cease-fire was near.

According to the six Presidents of Central America, they said: "It is our belief that a cease-fire agreement is at hand."

Mr. President, if there is not a cease-fire, and I will pray tonight that there is, despite this vote, I have to say that some responsibility must go—and I say this with some caution—some responsibility must go to the unintended—and I emphasize "unintended"—encouragement which the passage of this amendment gives the Marxist FMLN. I regret to say that. But the facts are facts.

That is the reason why I am standing here this long, which I have never done in the few years that I have been a Member of this body, trying to urge my colleagues to try and understand what is going on in that little, tiny, impoverished country which has suffered now for 12 years, suffering pain, torture, death, torture and murder of Jesuits, murder of American soldiers. The list goes on and on.

I just chronicled the damage that is taking place in El Salvador, and frankly, numbers and words do not do justice nor in any way describe the suffering that these poor people have suffered under.

I also wonder sometimes, the average El Salvadoran citizen, when he goes to bed at night, must wonder why it is that this suffering and pain continues in El Salvador, when other parts of the region have found peace.

In 1979, when this war, this tragic civil war began, the other nations in the region, with the exception of Costa

Rica, were undergoing severe difficulties, as well. Of course, in Nicaragua, as we know, the Sandinista Communist government, which wrecked the economy and society, had come to power. In Guatemala, a revolution was being brutally repressed by the totalitarian government that was totally run by the Guatemalan Army. In Honduras, there continued to be oppression and control of the government and its policies by the military. And, of course, the exception to the rule was Costa Rica.

Instead of achieving the peace which has taken place in these other nations, El Salvador still suffers. We have made an enormous investment of taxpayers' dollars in that peace process and in that effort. Much of it has been wasted, Mr. President. As much as I admire Jose Napoleon Duarte, I did not subscribe to nor agree with some of his policies, particularly in the area of the way land reform was carried out.

But I did and will continue to enormously admire and appreciate Jose Napoleon Duarte's commitment to peace and his commitment to the participation in the political process of all the people of El Salvador. And his reaching out. He was the first who reached out to the FMLN and extended the hand of peace to them.

I would suggest that as much progress as has been made, it is a direct result of his efforts, followed on by that of President Cristiani.

Mr. President, I also wanted to point out that despite the setback that we experienced tonight, it is important that we recognize that the peace process is working.

Since we last deliberated on El Salvador, the following has been achieved: The government and the FMLN agreed in July 1990, and they signed a U.N.-drafted human rights accord. We know that the genesis of civil wars is bred and is directly attributed to human rights abuses. There can be no peace in El Salvador without respect for basic human rights and that of each and every one of its citizens, including cessation of the terrible right-wing death squads which plagued society in El Salvador for so long. In April 1991, the Government and FMLN agreed to a U.N.-designated truth commission to investigate major human rights cases dating back to 1980.

Mr. President, this Commission was given full latitude and access to all records. It is operating independently and is designed by the United Nations. Mr. President, we are going to find, probably, some pretty unpleasant facts coming out as a result of that Truth Commission's work. That is one of the reasons why it did not come into being much earlier. I am sorry to say that we are going to find that there were abuses from the right and members of the Government, who violated their sacred oath and trust to the El Salvadoran people. We are also going to

make sure it does not repeat itself, and that the people of El Salvador today will have a much better chance and opportunity for free and peaceful existence than their predecessors.

Also, in April, the two sides agreed to a constitutionally established national attorney for human rights. Mr. President, there can be no better display of the value and importance that the people of El Salvador and its Government place on human rights than to make a constitutionally established national attorney for human rights a permanent part of their Government and their life.

In the March elections to the newly expanded Assembly, leftist opposition parties, including the UDN, which is affiliated with the Communist Party, participated for the first time and won nine seats. That election was interpreted in several ways, Mr. President. One of them was that it was a resurgence of the left and that the ARENA Party, which was the majority party, was in danger. Others who knew a lot more about El Salvador and the process took this as a sign that true democracy was in action; that the fact that members from the left, some of whom not too long ago had been fighting in the jungles, were now participating in a free and open election, believing that they had an opportunity, and indeed did achieve the opportunity, to share power, which was something that I think fulfills the promise of Jose Napoleon Duarte and justifies an investment of the United States' tax dollars in the most precious of all virtues, and that is freedom.

Police and security forces will be removed from the Ministry of Defense and put under a civilian ministry. It is clear that many of the abuses that took place during this unhappy period were due to police and security forces abuse. We know that is only one way that we can cure an endemic problem such as this, and that is, of course, to place security forces under civilian authority. Civilian authority is not the only answer, but it certainly is an integral and vital part of it. The intelligence service will be removed from the military and placed under the President. In the past, the intelligence service had information that had been provided in the right-wing death squads, and severe abuses had taken place.

The reduction in the size of the armed forces to prewar levels. Mr. President, they have a neighbor of El Salvador, which is Costa Rica. Costa Rica has enjoyed a peaceful nation with free elections and observance to the Constitution, which has served as a model, not only to Central America but, frankly, perhaps to all of the world. One of the reasons we can account for that is that Costa Rica, with the protection, very frankly, of the United States and other powers, has been able to do without an army. As we

know, armies all too often, in the history of this world, have decided that they could do the job better than the popularly elected officials.

I suggest that the path to peace in El Salvador, permanent peace, lies in a dramatically reduced military force, far more in keeping with the threat after a cease-fire. And, eventually, I think maybe it would be wise to look at their neighbor, Costa Rica, and find out whether they need an army at all.

Formation of an evaluation commission, members to be nominated by the U.N. Secretary General and appointed by the President, to review the human rights record of all military officers and decide who would stay in service.

Mr. President, one of the great tragedies of the human rights abuses that took place, as we all know, is that some members of the military abused the sacred trust placed in them by the people in the Government of El Salvador, and I do not think there is any doubt that those bad apples have to be removed from the Salvadoran military.

I can say, with great assurance, that I have personally met with and even got to know many in the leadership of the El Salvadoran military, and many have been trained in the United States; they have been here and received not only education, but training, and they are dedicated to the eradication of the human rights abuses, not only because of their respect for democracy, but also because of the fact that they realize that you cannot have democracy, if members of the Government, that is, the army, abuse the human rights of its citizens.

Disband several infantry battalions, and dissolve the civil defense forces. Both are in keeping with my previous remarks that, as rapidly as possible, once a cease-fire has been achieved, the army should be scaled down dramatically, those funds which have been used to sustain the military and pay for the expensive equipment which they have had to maintain. And one of the reasons they have had to have expensive equipment, by the way, is because the importation of weapons from Nicaragua and Cuba, of the highly sophisticated kind, including surface-to-air missiles; those funds expended on military equipment can now be devoted to peaceful means, to addressing the problems of starvation, malnutrition, diseases, famine, and, unfortunately, all too often stalks the unhappy countryside and penetrates the cities.

This month, the United Nations will deploy a 170-person delegation to monitor and protect human rights. Some developments, as we know, have not been so positive. Last January, the FMLN shot down an unarmed U.S. helicopter flying low to avoid surface-to-air missiles. When it crashed, FMLN combatants executed, in cold blood, two U.S. servicemen. The guerrillas who killed the American servicemen

have never been turned over to authorities, either United States or El Salvadoran.

The nine defendants in the Jesuit case have been denied an appeal and, hopefully—and I emphasize hopefully—pressures have been kept up, and they will go on trial soon. The peace process has the support of all of the Presidents of Central America, as I mentioned. They have urged the guerrillas to agree to a cease-fire immediately.

Mr. President, it is also of interest that at the Guadalajara summit, the governments of Mexico, Venezuela, Colombia, and Spain criticized the FMLN for stalling and urged their agreement to a cease-fire. Mr. President, that is almost unprecedented for the Government of Mexico, very frankly, to involve themselves in any fashion whatsoever, much less urge an insurgency to engage in a cease-fire agreement.

I think that is very important. Unfortunately, it was not as noticed here in the United States as it should have been. As I mentioned earlier, Mr. President, the House has chosen to say nothing. They do not want to send mixed messages to the parties and risk disrupting the peace process. The other body, after consultation with the administration, consultation with the El Salvadoran Government, and the other Central American leaders, had decided to at least postpone this issue until September, a mere 30 or 40 days.

Why did they do that? Clearly the reason that they did that is because of the fact that they listened to the message from Central America that peace was at hand and a cease-fire was near. And any action on our part could upset that very delicate process that was going on.

Mr. President, I ask unanimous consent for an amendment by the Senator from Colorado be considered and I not lose my right to the floor.

The PRESIDING OFFICER (Mr. BREAU). Is there objection to the unanimous-consent request?

Mr. SARBANES. Mr. President, reserving the right to object, I think we need to state the unanimous-consent request in a way that it deals with the amendment that the Senator is going to offer.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and I then ask unanimous consent that Senator BROWN be recognized to offer an amendment on the IMF quota; that there be 20 minutes equally divided and controlled in the usual form; that no amendments to the amendment be in order; and that at the conclusion or yielding back of time there be a vote on or in relation to the amendment without any intervening action or debate. I further ask unanimous consent that following the disposition of the

Brown amendment, Senator McCAIN be recognized.

The PRESIDING OFFICER. Does the Senator from Arizona withdraw his original unanimous consent?

Mr. McCAIN. I withdraw.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request of the Senator from Maryland? If not, without objection, it is so ordered.

Under the unanimous-consent agreement the Senator from Colorado [Mr. BROWN] is recognized.

AMENDMENT NO. 835

(Purpose: To strike the additional U.S. contribution to the International Monetary Fund)

Mr. BROWN. Mr. President, I call up amendment 835.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 835.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 224, beginning on line 10, Strike out Sec. 56 of the Bretton-Woods Agreements Act as added by section 901 of this Act.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I express my thanks to the managers of this bill for their kindness and consideration. We have agreed to a 20-minute limitation on this amendment. It is a very straightforward issue but it is one that I think is important for this body to consider.

The amendment is quite simple. It addresses the question of the increase in the authorization for the International Monetary Fund. Included in the bill is a provision that allows a \$12 billion increase in the authorization for the International Monetary Fund. This is part of an effort that we will see overall a 50-percent increase in the International Monetary Fund and lead, if other nations go along, to roughly \$60 billion increase to funds that go from a variety of countries involved.

I hope Senators will view this with an eye of asking whether this measure is necessary. First of all, in considering that report I ask the Members of this Chamber to look through the Treasury Department's report when it speaks to the current liquidity of the International Monetary Fund. "Although fund liquidity is certainly strong"—they admit the fund liquidity is strong, they go on to say they anticipate future needs.

I remind those considering this question that the current state of the International Monetary Fund is strong by the U.S. Treasury's own admission and by the fund's statement itself. So the liquidity question with regard to the International Monetary Fund is not in question. They have liquidity. They have the money to do the work with their present responsibilities.

Second, I hope every Member who considers this and looks at the question of whether this enormous expenditure—they say expenditure—others may say a commitment, but it is a commitment of U.S. credit, taking away from the American economy, putting into the International Monetary Fund—if that is required. For those interested let me refer you to the report of the International Monetary Fund for 1990. It contains some interesting information.

In 1985, reading from the report, total outstanding credit provided by the Fund was 37.22 billion SDR's. What is significant about that? What is significant is that the requirements on the Fund, the lending by the Fund overall, the total outstanding credit by the Fund did not go up. It has gone down. The amount of loans they made went down or at least their total fund commitment went down from 1985 to 1986, it went down from 1986 to 1987, it went down from 1987 to 1988, it went down from 1988 to 1989, and it went down from 1989 to 1990.

Mr. President, the simple fact is that there is no demonstrative need for additional capitalization for the International Monetary Fund. All you have to do is look at their own report. Their report shows a dramatic drop in the complement of funds, not an increase, not a compelling demand, not a reason to go to the taxpayers of America, but a clear demonstrative, in black and white, indication that the use of those funds has dropped every year since 1985. They now stand dramatically below the level they were in 1985 at \$24.9 billion Special Drawing Rights. The dollar figure would be slightly higher. I am sure the Members know the Special Drawing Right is a composite and slightly more valuable than the U.S. dollar.

What is the point? If we are looking at whether or not there is a need here, there is a clear indication the Fund is liquid and dramatic indication that requirements of the Fund have dropped and dropped significantly, not gone up.

For those Members still considering the question of whether or not there is a need, let me refer them to the fact, from the Treasury's own reports, that they have on deposit \$38 billion, \$38 billion of gold.

If there is any need, emergency future need, not only do they have dramatic ability with their current fund to go up, but the ability to borrow on gold assets, \$38 billion far more than

what has been discussed in any of their plans. So they have liquidity, an enormous drop in the loans they put out, and they have a huge supply of gold, 38 billion dollars worth of gold.

Let us take a look at their claim. They have indicated that they anticipate there will be additional needs in the years ahead. That is why they need a 50-percent increase in their funds. Here is what they said. These are not my words; they are what they said. They anticipated we would have a dramatic rise in oil prices because of the Mideast crisis.

Does anyone want to comment on that?

The reality is oil prices have not gone up; they have gone down. The very reason they stated for the needs for an additional infusion of capital is proved to be inadequate. Oil prices have dropped when they said they would go up, and the need they identified is clearly not there.

They had other reasons, though. They indicated that the trade liberalization that would be achieved or probably achieved at the Uruguay round after the GATT negotiations, could provide a dramatic need for funds.

Mr. President, I must tell you I wish that round would be successful. It has not been successful. It is not successful today and the prospects are not bright. I think this is a question, how much they need. Even if they came through with a dramatic breakthrough, the fact is the second major reason they identified having the huge infusion of capital has not taken place as they forecast.

What else did they say? They suggested there might be a need for additional funds in Eastern Europe. Thus far you have not had a major realization of that, but it is possible.

What to do with the upper limit on that, \$8 billion? The simple fact is you could have all \$8 billion, 100 percent of what they forecast, and you will still have ability to do it with the level of funds with lots to spare.

Let me give a statistic, \$24 billion in loans in 1990, or in outstanding credit, provided by the funds, \$37 billion in 1985. You could accommodate all of what is forecast, all \$8 billion increase. It would only take you up to \$32 billion in special drawing rights. You would still be \$5 billion short of what they have already been able to provide in the way of funds. Clearly this is not needed there.

There is a fourth area they talk about: arrearage. They are concerned about arrearages that amount to \$4.8 billion to current countries they lend the money to. They use a technical word "defaulted," but have not been able to make payments and are in arrearage.

You could accommodate arrearages 100 percent, accommodate all of Eastern Europe, which is only speculative, and you still would not come back up

to the level that they have already been able to accommodate.

Mr. President, there is not a demonstrative need for these funds. As a matter of fact anyone who looks at the records cannot help but come away and be convinced that they easily have the ability to accommodate 100 percent of everything they have identified and still not need additional revenues.

I hope the Members will take this into consideration because it says something significant. It says that this body is being asked to shell out the taxpayers' credit without a cause. Think what that means as a message around the world. It means the United States is not looking at where it commits its credit or whether it is moving ahead.

Now if they come ahead with identifiable uses, that is a different case. Then the Members of this body have an opportunity to review that and see whether it is sound. But the simple fact is in black and white, point by point by point. They have not identified a need. They have liquidity. By their own records, the loans have dropped dramatically; they have \$38 billion in gold. The needs they have identified for future needs are clearly accommodatable even at the highest level. They have identified.

They have dramatic ability to borrow. Their own record shows that. Even if they run into a crisis and they accommodate everything they have identified and they run into more things, they, by their own records, indicate clearly they have a dramatic ability to increase their borrowing. That is not my assessment. That is the assessment of the advocates of this measure from the International Monetary Fund and the experts that look at it, as well as the Treasury. So I think the record is very clear. There is not a need at this time for this dramatic increase in funds.

Second, I would like to refer those that are deliberating on this plan to a simple question. If you are in a business, do you lend money, do you provide additional capital for someone who cannot give you a plan? Let us be specific. Every business I know of in this Nation, when they go to the bank and ask for additional credit, the bank says how are you going to spend it? That is not an unreasonable question, is it?

The International Monetary Fund has not told us how they are going to spend it. Should this Nation commit \$12 billion of additional credit that this Nation needs? Should we supply that \$12 billion without asking the basic simple question: How are you going to use the money? The simple fact is they have been unwilling to identify it, and I think that is a waste of taxpayers' money. I think it is a failure to discharge our duty.

The PRESIDING OFFICER. The Senator has consumed the 10 minutes

allotted for the proponents of the amendment.

Who speaks in opposition to the amendment?

Mr. BROWN. Will the Senator allow me 1 additional minute to complete?

Mr. SARBANES. Mr. President, I ask unanimous consent that 1 additional minute be allocated on both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROWN. I thank the distinguished Senator for his courtesy.

Just to sum up, there is demonstrably not a need. We have to ask ourselves, as we vote on this, does it make sense to trade U.S. dollars for nonconvertible currency? Because that is what happens. I hope the Members will also ask themselves, does it make sense to further fund an organization who is in the business of making unsecured loans to borrowers who are not creditworthy? I do not think that is a good use of taxpayers' money.

Mr. President, the simple facts are these: We have the biggest deficit of any nation in the history of the world. We have a budget deficit in this coming year of \$348 billion by our own figures. We have the biggest trade deficit in the history of the world. This Nation has to begin to think of its own taxpayers. This is not a good use of the Fund. This is not a good use of the taxpayers hard earnings.

I hope this body will reject this measure. It is not needed and paying it takes great sacrifice from the working men and women of this country.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

The Chair recognizes the manager of the bill in opposition to the amendment.

The Chair recognizes the Senator from Kentucky for 11 minutes.

Mr. McCONNELL. Mr. President, this is not an area about which I profess to have any expertise. Let me point out, however, that our former colleague, Secretary of the Treasury Nick Brady, was up here today specifically lobbying against this amendment. The administration strongly opposes this amendment.

I could understand some of the outrage about the quota if it required specific outlays. But, in fact, the increase does not require any budgetary outlays, any transfer of U.S. dollars to the Fund under the quota is offset by the receipt of liquid, interest bearing claims we currently have. The Fund has also been extremely helpful in financial and economic reforms in Eastern Europe. In fact, Secretary Brady pointed out to me it has been of the most help in the Eastern European arena.

To preserve our economic leadership and the 20 percent margin that we have in voting shares of the Fund, the quota

is required. Failure to meet the quotas surrenders America's economic leadership and compromises the free market goals we have worked so hard to achieve.

In summary, let me point out once again that the administration strongly opposes the Brown amendment.

I yield the floor.

The PRESIDING OFFICER. There are 9½ minutes remaining in opposition.

Mr. SARBANES. Mr. President, I weep for the future of our country if we cannot perceive our self-interests sufficiently to appreciate and understand that the Treasury in this instance has done a very good, tough job of negotiating at the IMF. The IMF is one of the lead international financial institutions that was established after World War II, and in effect the functioning of the entire international economy is hinged to it.

I want to submit for the RECORD a letter that we received from 10 former Secretaries of the Treasury, Democrats and Republicans. I am just quickly going to read the names so you get a sense of the cross-section of individuals who support this: Joseph Barr, John Connally, Henry Fowler, William Miller, George Shultz, Michael Blumenthal, Douglas Dillon, David Kennedy, Donald Regan, and William Simon. That covers a whole spectrum in economic thinking in this country.

I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE BRETTON WOODS FUND,
Washington, DC, July 23, 1991.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MITCHELL: We are writing as former Secretaries of the Treasury and members of the Bretton Woods Committee, to join the Administration in urging congressional support for the IMF quota increase legislation.

For nearly fifty years the International Monetary Fund has worked quietly and effectively to help countries manage their economies and to weather international financial shocks. Its original mission was to provide short-term loans to countries with pressing liquidity needs. Increasingly, the IMF uses its economic leverage to promote market-oriented reforms as the most effective means of achieving both freedom and stable, non-inflationary growth. The IMF has made important strides in strengthening new democracies of Latin America and is now at work helping Eastern European countries adopt free-market principles.

Following the collapse of many leading statist regimes, America has an opportunity, unique in history, to reshape old and build new economic institutions in Eastern Europe and elsewhere. To lead this effort, Western heads of state have turned to the IMF to use its technical advice and, in some instances, its temporary financial assistance to help countries adopt policies which promote development of private sectors and formation of domestic capital.

To fulfill this important new role, the IMF needs increased resources. This is support we can provide, even in a period of budget stringency, since quota transactions with the IMF involve no budget outlays (due to the fact that the U.S. receives an interest-bearing, liquid asset in return).

The invaluable role of the international financial institutions in promoting global stability and advancing U.S. interests has been recognized by every Administration since Roosevelt. Legislation supporting U.S. participation in the institutions has enjoyed broad bi-partisan support in the Congress.

The world community looks for vigorous U.S. leadership in international forums, and we urge Congress to act promptly and favorably on legislation authorizing U.S. participation in the quota increase of the International Monetary Fund.

Sincerely,

Joseph W. Barr, John B. Connally, Henry H. Fowler, G. William Miller, George P. Shultz, W. Michael Blumenthal, C. Douglas Dillon, David M. Kennedy, Donald T. Regan, William E. Simon.

Mr. SARBANES. Mr. President, I asked David Mulford, who was our negotiator, and I think a tough negotiator, what would be the consequences if this quota increase were not approved. He said:

Well, first of all, I think the United States, being the leading country in the IMF, not following through on a quota increase would be a matter of grave concern and would cause us probably irreversible damage as a leader in that institution.

He felt our credibility would be impaired, that we would not be able to negotiate anywhere near as good a deal the next time around.

I asked him whether this was a good deal, and why. Let me enumerate the reasons he cited. First of all, they managed to keep the quota increase at a level that is realistic in terms of future global and IMF requirements. This is a 50-percent-quota increase. We were on the very low side of that quota increase. The pressure elsewhere internationally was for a higher quota increase. We, in fact, were at the bottom of that range, and, as Mulford said in his testimony, we were in a very small minority when we began. Ultimately the whole group came down to a 50-percent-quota increase.

Second, they negotiated it in a way to protect the U.S. position. We continue to hold a 19.4-percent share, which gives us an important veto mechanism over the functioning of the IMF.

Third, we adjudicated between the various other countries that were seeking to realign their quotas.

One of the things that is happening with this quota increase is that Japan is moving from No. 5 to No. 2 in terms of the burden they are assuming. So this quota increase represents an opportunity to get Japan to pick up a larger share of the international burden. Japan and Germany will then be No. 2, Britain will decline to No. 4, tied with France. There were very complex negotiations in order to bring that about.

Another one of the things that has been done is that the arrearages problem that exists at the IMF has been addressed. I must say I think that Treasury has done a very good job of that. What they have done is they have solved the arrearages by linkage. Along with the IMF quota increase, they were able to get an amendment to the articles of the IMF which will apply sanctions against a country that is in arrearages, including ultimately, if necessary, its possible dismissal from the IMF. That was not previously available.

Clearing up the arrearages problem is a very important negotiating accomplishment. It is a matter that has been of very deep concern to the Treasury.

Mr. BROWN. Will the distinguished Senator yield?

Mr. SARBANES. I will yield to my colleague.

Mr. BROWN. I think it is important for those considering this to note our amendment does not strike the arrearages portion. Only the portion that deals with quotas.

Mr. SARBANES. You cannot have it both ways. The way it has been done is that if one falls the other falls. I wish I could negotiate contracts like the one you suggest, where I could come along and strike out the part of it that was negative to me and keep the part that was positive.

I say to the Senator I am glad to see that he is operating on such a premise.

What the Senator must understand is that the articles to provide the sanctions for arrearages is linked to the increase in the quotas. If you do not get one, you do not get the other.

I wish I could negotiate agreements where I pick what I want and drop what I do not want. That is a wonderful state of affairs. But that is not this reality. This reality is that the two are linked, and it is an achievement to have addressed these arrearages.

We, the United States, have been fighting within the IMF to get some real teeth into dealing with the arrearages problem. And Secretary Mulford is a good negotiator. To his credit I think he negotiated a good arrangement with respect to this linkage of the arrearages and the quota increase. It is a very important gain for the United States. And it is important that we now have the power to discipline and sanction within the IMF. The Treasury people will tell my colleague that, if he has had an opportunity to talk with them.

I want to make one final point before my time expires.

During the 1980's, U.S. participation in the IMF resulted in a net financial gain to the United States of \$628 million annually. This was Mulford's testimony.

This gain reflects interest earnings and valuation gains on our reserve position in the IMF, which sharply ex-

ceeded the borrowing cost to the Treasury associated with financing the transaction.

In other words, we put up a limited amount of money. We borrow in order to do that. We get a return on the money. The return on the money is actually more than what it costs for us to borrow it for a net of \$628 million annually.

I was somewhat skeptical about this so I said to Secretary Mulford, "Could you develop that point a little bit? Is that only a paper gain or is somehow or other a real gain that somehow we realized?"

And Mulford said, "No, that's a real gain over the period."

So, in effect, it is not costing us money. We do assume a contingent liability—no question about it. And that is an important aspect of this. But we have not had to deliver on that contingent liability throughout the life of the IMF.

In the meantime, we are getting back more in the return that is made to us than what it costs us in order to meet the call. The interest we receive is greater than the interest we pay in order to borrow the money to meet the call.

What is really at stake is our international economic leadership. We were the tough guys in this negotiation. We are the ones that held it closest to reality. We held the quota increase down. We delayed even getting a quota increase.

The Senator is probably right. They probably could go for a year without this quota increase. But the period of the quota increase is for 5 years.

So you have to consider that issue. They could stagger through 1 more year. But if the United States, who has been the tough guy, who got the arrearages settlement, who got the quota down, who resisted efforts to expand the quota for 2 years, were to back out now, it would be a great loss. We delayed and delayed on the quota increase because Secretary Brady and Mulford did not think it was necessary. Now we have a situation in which we succeeded in changing the position of Japan and Germany. That is very important to us. At least I think so.

I am one of those who thinks one of the prime things that must be accomplished internationally is for Germany and Japan to begin to assume responsibilities commensurate with the strength of their economies. For too long they have built up the strength of their economies and they have not taken on the international responsibilities to go with them. This agreement at least puts Germany and Japan in the No. 2 position in the IMF in terms of their contribution. It represents a very significant increase in the Japanese quota commitment.

At the same time we manage to hold our own quota position such that we

have more than a 15-percent participation, which gives us a veto over certain important IMF decisions.

The Treasury has done a good job of negotiating this agreement. I very much hope we will support it.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that a letter from the Secretary of the Treasury to the Republican leader appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, July 25, 1991.

Hon. ROBERT J. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: I want to urge your support for legislation before Congress permitting the United States to participate in the increase in resources of the International Monetary Fund (IMF) and establishing the Enterprise for the Americas Initiative (EAI).

The IMF is the cornerstone of the international monetary system. It plays a central role in promoting an open and growing world economy, consistent with U.S. economic and foreign policy interests. The Fund is at the forefront of international efforts to assist East European countries with the transition to democracy and market economies. It is also promoting reforms and debt and debt service reduction, especially in Latin America, in support of the U.S.-led international debt strategy. In Africa, Fund concessional resources are supporting growth-oriented adjustment and the alleviation of poverty. In addition, it has responded quickly to address the economic consequences of the Gulf crisis.

The United States has encouraged the Fund to play a major role in addressing the historic changes occurring throughout the world. If the Fund is to meet these challenges over the medium-term, however, we must ensure it has sufficient resources. It is vital, therefore, that the U.S. support the quota increase at this critical time, thereby maintaining our leadership role in the institution and ensuring its continued effectiveness.

Our support for the IMF is extremely cost-effective. The quota increase will not add to the budget deficit since no net budgetary outlays result from use of the U.S. quota. In addition, our resources are leveraged since every dollar provided the Fund is matched by four dollars from others.

I also ask that the Congress make a special effort to achieve full implementation of the EAI in this session. This initiative is designed to strengthen our relations within this hemisphere and to support the movement toward democracy and free markets throughout Latin America and the Caribbean. We are seeking the authority and appropriations to reduce the bilateral debt of those countries which have adopted strong economic and investment reforms in order to attract and retain the capital essential for growth.

We are also seeking to create a Multilateral Investment Fund as part of the EAI to ease countries' paths towards open investment regimes. Japan has announced that it will contribute \$500 million over five years to the Fund, matching the contribution for which we have requested appropriations.

France, Spain, Portugal, and Canada have also indicated a willingness to participate in the Fund.

The Administration regards the quota increase and the EAI as key priorities. I hope we may continue the longstanding tradition of bipartisan support for the IMF which has served the United States so well. I also hope we can count on your support for the EAI.

Sincerely,

NICHOLAS F. BRADY.

Mrs. KASSEBAUM. Mr. President, I urge my colleagues to support the IMF increase that is included in this bill and to vote against the amendment of Senator BROWN.

Every 5 years, under the terms of the IMF, a quota increase is reviewed. The current increase comes, in fact, 8 years after the last increase in 1983. It is clear that we have not rushed into the current decision to increase quotas at the IMF. The United States was central in delaying the IMF quota increase negotiations until we felt confident that there was a clear case the funds were needed and would be used wisely.

Mr. President, if there was ever a year to support an IMF increase, I believe that time is now. Over the past 2 years we have seen the collapse of centrally controlled economies around the world.

The end of the cold war is symbolized by the collapse of the Berlin Wall. But, what makes it a concrete reality is the effort of countries, such as in Eastern Europe, to establish and foster market economies.

From Poland to Hungary to Czechoslovakia, the IMF has been central in establishing economic road maps for these countries in their difficult transitions to market economies.

Given these dynamic developments, the IMF's efforts to foster dynamic market economies and a stable international system of payments is becoming even more critical.

The 50-percent quotas increase is needed because the demands for IMF resource is expected to be high in 1991 and 1992. The demand is coming from three vital areas, all central to United States policy interests: The restructuring of Eastern European economies to market economies; supporting sound economic policies and debt and debt service reduction under the Brady Plan, particularly in Latin America; and, helping countries, adversely affected by the gulf crisis.

While a 50-percent increase sounds large, it does fall far short of what many members of the IMF were seeking. It is also money that has no net effect on budget outlays because the United States received a liquid, interest bearing claim on the IMF.

Furthermore, it is important to emphasize that historically, only about one-half of quota resources have been usable in IMF lending operations. Under the current situation, without the quota increase, there are \$65 billion

of quota resources available for lending. The IMF lending outstanding is about \$35 billion leaving \$35 billion to meet the demands in Eastern Europe, among those countries adversely affected by the gulf and in Latin America.

In 1991 and 1992, the Fund is projecting a demand for \$25 billion in new lending. During this time reflows from past loans are expected to fall sharply, estimated to be about \$10 billion.

Consequently, it is estimated that without the increase, Fund liquidity could decline to \$15-\$20 billion toward the end of next year without the quota increase. This would place Fund liquidity at a level traditionally associated with minimal working balances at a time when IMF involvement in the world economy is in such demand.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Following consultation with the distinguished Republican leader and managers and a number of interested Senators, I will momentarily propound an unanimous-consent agreement. I do not wish to do so until the distinguished Republican leader arrives on the floor.

Accordingly, I, for just a moment, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask, since we seem to have a minute here, unanimous consent that each side have an additional 3 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MITCHELL. Mr. President, I object.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that cloture motions be deemed to have been filed on both the Dodd amendment No. 833, and the Simon amendment No. 827, and that cloture vote occur on the Dodd first-degree amendment, No. 833, immediately following disposition of the Brown amendment; that if cloture is not invoked on the Dodd amendment, Senator DODD be recognized to withdraw his pending amendments; that regardless of the outcome of that vote,

and without any intervening action or debate, there then be a cloture vote on the Simon amendment, No. 827, in the second-degree, with the stipulation that if cloture is not invoked, Senator SIMON then be recognized to withdraw his amendments; provided further that no amendment relative to the Mexico City policy reversal language in this bill be in order to this bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

The Senator from Illinois.

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois reserves the right to object.

Mr. SIMON. If I may ask the majority leader, I would like before the vote on cloture on my amendment just to have 3 minutes to explain my amendment.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the vote on the Dodd amendment, there be 6 minutes of debate.

Mr. DOLE. We do not need any, but make it 6 minutes.

Mr. MITCHELL. Six minutes of debate equally divided on the Simon amendment, under the control of Senator SIMON and the distinguished Republican leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader?

The Senator from Vermont.

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. LEAHY. Mr. President, I want to make sure I understand. Does this mean when the cloture motion on the Dodd-Leahy amendment comes up, there is no time for any discussion on that at all?

Mr. MITCHELL. That is the way the proposed agreement reads. If the Senator would like a brief period of a few minutes, I will be pleased to suggest that. There has been extensive debate on the amendment throughout the day.

Mr. LEAHY. Mr. President, I understand, and I say to my friend, the distinguished majority leader, I heard a comment from the other side saying the matter has been debated. The matter has been debated. The Dodd-Leahy side actually won. In fact, what they are now saying is you have to win by 60 votes to win. No wonder they do not want further debate.

I think there ought to be at least 3 or 4 minutes—that is all I ask, 3 or 4 minutes—for the sponsors of Dodd-Leahy to at least speak before that.

I understand we are setting up now to say we have to have 60 votes to pass something the administration opposes. I happen to think that is wrong. But for comity, I will go along with the agreement.

Mr. MITCHELL. Mr. President, I modify my request to ask that immediately prior to the vote on cloture on the Dodd amendment, there be 6 minutes of debate equally divided under the control of Senator DODD and the distinguished Republican leader.

Mr. DOLE. I think we can pick up that time by having 10-minute votes, if there is no objection, since we are all here.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MITCHELL. Mr. President, I accept the suggestion of the Republican leader that the votes on the Dodd and the Simon amendments be 10-minute votes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, before we proceed further, I am going to yield to the distinguished manager with the suggestion that he now seek unanimous consent to limit the remaining amendments to this bill to those on the list which he is about to propose.

Mr. SARBANES. Mr. President, I ask unanimous consent that only the following amendments be in order to the bill: Senator KENNEDY, with respect to South Africa; Senator SYMMS, on trade and jobs; Senator BUMPERS, on Uganda; Senator SIMON, on the Horn of Africa; Senator HELMS, on the Office of International Rehabilitation; Senator HELMS, on increased competition; Senator BIDEN, on Saudi democracy.

Mr. President, we will work on the list while we are voting and hopefully come back.

VOTE ON AMENDMENT NO. 835

The PRESIDING OFFICER. The Chair announces the pending business is the amendment of the Senator from Colorado [Mr. BROWN]. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 65, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—31

Brown
Bumpers

Byrd
Coats

Conrad
Craig

DeConcini
Dixon
Exon
Fowler
Gramm
Grassley
Hatch
Helms
Kasten

Kerrey
Kohl
Leahy
Lott
Mack
McCain
Metzenbaum
Nickles
Nunn

Pressler
Smith
Symms
Thurmond
Wallop
Warner
Wirth

NAYS—65

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Burdick
Burns
Chafee
Cohen
Cranston
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger

Ford
Garn
Glenn
Gore
Gorton
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Lugar
McConnell
Mikulski
Mitchell

Moynihan
Murkowski
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Wellstone
Wofford

NOT VOTING—4

Bentsen
Cochran

Harkin
Pryor

So the amendment (No. 835) was rejected.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Chair announces that under the preceding unanimous-consent agreement the pending business is the Dodd motion on cloture. There are 3 minutes controlled by the Senator from Connecticut, and 3 minutes by the minority leader.

Mr. LEAHY. Mr. President, on behalf of the Senator from Connecticut [Mr. DODD] I yield our 3 minutes.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Could we have order in the Senate, Mr. President?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. MITCHELL. Mr. President and Members of the Senate, the next two votes are 10-minute votes. It is an imposition on our colleagues for any Senator at this hour not to be here and vote within 10 minutes. And following the second vote, the managers will seek unanimous consent to have an agreement limiting the amendments to those to be included on a list to be stated by the managers.

So those who have an interest may remain if they wish to do so. But I repeat, it is late in the evening. These are 10-minute votes. Let everybody stay and vote within the 10 minutes.

I thank my colleagues.

CLOTURE MOTION

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Dodd amendment, No. 833, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—52

Adams	Ford	Metzenbaum
Akaka	Fowler	Mikulski
Baucus	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Hatfield	Peil
Boren	Hollings	Reid
Bradley	Inouye	Riegle
Bryan	Jeffords	Rockefeller
Bumpers	Johnston	Sanford
Burdick	Kassebaum	Sarbanes
Byrd	Kennedy	Sasser
Conrad	Kerry	Simon
Cranston	Kerry	Specter
Daschle	Kohl	Wellstone
DeConcini	Lautenberg	Wirth
Dixon	Leahy	Wofford
Dodd	Levin	
Exon	Lieberman	

NAYS—44

Bond	Graham	Packwood
Breaux	Gramm	Pressler
Brown	Grassley	Robb
Burns	Hatch	Roth
Chafee	Hefflin	Rudman
Coats	Helms	Seymour
Cohen	Kasten	Shelby
Craig	Lott	Simpson
D'Amato	Lugar	Smith
Danforth	Mack	Stevens
Dole	McCain	Symms
Domenici	McConnell	Thurmond
Durenberger	Murkowski	Wallop
Garn	Nickles	Warner
Gorton	Nunn	

NOT VOTING—4

Bentsen	Harkin
Cochran	Pryor

The PRESIDING OFFICER (Mr. EXON). On this vote there are 52 yeas and 44 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. SIMPSON. Mr. President, I rise to speak in strong opposition to the amendment pending before the Senate, the Dodd-Leahy amendment which would drastically cut assistance to the Government of El Salvador.

I must confess to being greatly chagrined by our failure to table this amendment. We have heard already that the House of Representatives concluded that it would be a mistake—that it would send the wrong signal—to further restrict aid to El Salvador at

this time. And we have heard of the bipartisan coalition in our own Foreign Relations Committee which voted against this provision being included in the bill in the first place. Now, unfortunately, we have now only poured more fuel on this often fiery debate. I am certain that President Cristiani of El Salvador must—now at this moment—be very confused as to our intentions toward his Government.

We have in this country some very lofty ideals concerning how a government should be run. We chastise ourselves when we fail to live up to them, and we certainly do our share of chastising other nations which fail to do so. We have a great tradition of making continued American assistance contingent upon our concluding that those ideals are being achieved by recipients of our aid.

That is as it should be. However we often come to the conclusion that mere progress is not enough. We want complete and final success in achieving American-style democracy, and we want it now. Failure to achieve that often means the death penalty—loss of crucial American support and the often brutal consequences of that.

El Salvador is a long way from becoming a democracy of the kind we are blessed to live in. But make no mistake—it is so much closer to being one than it was 11 years ago. It should not surprise us that a country where the military has historically eluded civilian control and which for centuries had an almost-feudal economic system is still some way from our ideal.

But they are moving in that direction even a journal with well-known leanings on the issue—such as the Washington Post—has recognized that. I quote from its May 10 editorial Near Peace in El Salvador. Here is their opinion of what is happening in El Salvador—"the basic structure of a feudal society is being recast to put arbitrary military and police power under civilian and democratic authority * * *". And continuing: "President Cristiani has taken the brave and necessary gamble of leashing"—leashing—"his party's army and unreconstructed right in the middle of a war, and the further gamble of creating an inclusive national political arena." That is a gamble which, thank God, we in this country have never had to take. I do not think we are in any position to too harshly judge the administration of Mr. Cristiani.

The Post editorial contains these further sentences which I call to my colleagues' attention—"through the 1980's, many Americans wanted to disengage from this unhappy country. But it was American engagement that helped the Salvadorans both to defend against the guerrillas and to launch the social and political transformation that is starting to come about now."—This is the Washington Post speaking.

We have heard about the anguish of the unsatisfactory prosecution of those involved in the murder of the Jesuit priests 18 months ago. Certainly we should take that matter under full consideration in contemplating our policy. We should also take into complete consideration Cristiani's decision to expand the number of assembly seats from 60 to 84, which will almost certainly result in greater participation of the FMLN in the Government. We should also take into consideration the constitutional changes agreed to—as a concession to the FMLN—establishing a civilian police force, and establishing a special human rights prosecutor in El Salvador.

Neither can we ignore the behavior of the FMLN. That is part of this equation, too. Here we have the surface to air missiles they are deploying, courtesy—as the party has since confessed—of the Nicaraguan Sandinistas. Nor should we forget the fact that the most recent reduction in American aid to El Salvador was greeted with a new military offensive from the FMLN. And the brutal murder of two American pilots—graphically and powerfully described by my fine friend Senator McCain on the floor earlier on this day—should as well serve to provide us with some insight into the character of this group.

I would also suggest that we consider the land reform being enacted by the Government, and the reduction of state intervention in the economy which has brought El Salvador its highest rate of economic growth since 1979.

And finally, I would suggest that another factor be considered—that all of Central America is pleading with us to continue aid to democracy in El Salvador. The ambassadors of Costa Rica, Honduras, Nicaragua, El Salvador, Panama, and Guatemala have faxed to my office—and I suspect to most of the Senators here—their urgent request that we defeat this amendment.

So apparently this steady progress in El Salvador remains invisible only to those of us in the U.S. Senate. This aid we do provide—it is not the big bad United States forcing its ideology on a small country—this is urgently requested aid, not only by the government we are trying to sustain—but by every one of its neighbors.

It has been noted that this amendment would require that the Government of El Salvador demonstrate a "good-faith effort" to negotiate and to improve human rights observances as a precondition for continued aid. But no consequences are outlined of the FMLN's similarly failing to meet those requirements. And this, I believe correctly, has truly been termed a double standard.

It is incredible to me that this bald-faced double standard—if applied at all—should apply in that direction. Whatever one thinks of President

Cristiani—and from what I know and from the comments I have heard—many of my colleagues think extremely highly of him. He does represent one thing which we cannot ignore: the will of the El Salvadoran people as expressed by their precious votes. He is in that office for one basic reason only—he was elected to it. They voted him in.

No similar claim to public approval can be made by the FMLN. Their presence in the process at all is a direct function of their ability to strike militarily. They represent the bullet and the club in El Salvador, nothing more. That is a distinction I hope my colleagues will not overlook.

It is true that the bullet exists on the other side as well; make no mistake. And the Salvadoran military must be brought under tighter control by civilian authority. Let us not forget, though, that the FMLN is beholden to no legitimate civilian authority. To waver in our support of a democratic government to give benefit to the guerrilla forces is no way to assert support for civilian control of a country.

President Cristiani has been hurt and surely let down tonight by our failure to table the Dodd-Leahy amendment to this bill. Let us not let him or ourselves be disappointed again. I urge my colleagues to oppose this amendment and I yield the floor.

The PRESIDING OFFICER. The Chair would like to announce at this time before recognizing the Senator from Connecticut that in about 60 seconds we will begin a second cloture vote, 10 minutes in duration.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

The amendment (No. 833) was withdrawn.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, the managers of the bill will stay after this cloture vote. I understand this is the last vote of the evening.

The managers of the bill will stay after this cloture vote to accommodate Members who have amendments, many of which have been cleared, and we are prepared to accept them if they want to stay for a few minutes and clear them off the deck. We are prepared to stay after this vote, which I understand is the last vote of the evening. We are also going to propound a unanimous-consent request after the vote.

AMENDMENT NO. 827

The PRESIDING OFFICER. By unanimous consent there are now 3 minutes of debate on the motion invoking cloture on the Simon amendment under the previous order. Then the question occurs on the motion to invoke clo-

ture. The question is, Is it the sense of the Senate that debate on the Simon amendment No. 827, shall be brought to a close? Before the Chair calls for the yeas and nays on that he will recognize for not to exceed 3 minutes each, being reserved for the Senator from Illinois, and 3 minutes to the Senator from Kansas.

Who seeks recognition?

The Senator from Illinois.

Mr. SIMON. Mr. President, and if I can have the attention of my colleagues, it will go swiftly, 500 to 600 million women in impoverished countries are appealing to the United Nations Population Fund for birth control and family planning information. Ninety-eight countries help them. The only country of any significance not to help them is the United States of America.

Now how did that come about? In 1985 because of the forced abortion policy in China and because the United Nations Population Fund assessed China but did not spend any money for abortion, we cut off the United Nations Population Fund completely.

This amendment says if the United Nations Population Fund increases aid to China for assistance by even one dollar, then the \$20 million in this authorization has to be returned to the United States.

The population question is an overwhelming question, if we want to have world stability. I have seen in my lifetime the world population triple, and if I live out a normal lifespan it will quadruple.

We should join the other nations in providing assistance to the United Nations Population Fund, and frankly it is structured in such a way that China cannot get one extra dollar. The objections of the administration I believe have been met, and I hope we will do the right thing and vote cloture and adopt my amendment.

The PRESIDING OFFICER. The Senator recognizes the Republican leader.

Mr. DOLE. Mr. President, we have no request for time on this side. A "no" vote means we go home.

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Illinois yield back the remaining 54 seconds of his time?

Mr. SIMON. I yield back my remaining time.

CLOTURE MOTION

VOTE

The PRESIDING OFFICER. All time having been yielded back, the question is: Is it the sense of the Senate that debate on the Simon amendment No. 827, shall be brought to a close? On this question, the yeas and nays are mandatory under the rule and the clerk will call the roll on the 10-minute vote.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the

Senator from Iowa [Mr. HARKIN] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 33, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—63

Adams	Fowler	Murkowski
Akaka	Glenn	Nunn
Baucus	Gore	Packwood
Biden	Graham	Pell
Bingaman	Hatfield	Riegle
Bradley	Hollings	Robb
Brown	Inouye	Rockefeller
Bryan	Jeffords	Roth
Bumpers	Kassebaum	Rudman
Burdick	Kennedy	Sanford
Byrd	Kerrey	Sarbanes
Chafee	Kerry	Sasser
Cohen	Kohl	Seymour
Conrad	Lautenberg	Shelby
Cranston	Leahy	Simon
D'Amato	Levin	Simpson
Daschle	Lieberman	Specter
DeConcini	Metzenbaum	Stevens
Dixon	Mikulski	Wellstone
Dodd	Mitchell	Wirth
Exon	Moynihan	Wofford

NAYS—33

Bond	Garn	Mack
Boren	Gorton	McCain
Breaux	Gramm	McConnell
Burns	Grassley	Nickles
Coats	Hatch	Pressler
Craig	Hefflin	Reid
Danforth	Helms	Smith
Dole	Johnston	Symms
Domenici	Kasten	Thurmond
Durenberger	Lott	Wallop
Ford	Lugar	Warner

NOT VOTING—4

Bentsen	Harkin
Cochran	Pryor

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 838

(Purpose: To express the Sense of the Congress concerning the repeal of General Assembly Resolution 3379)

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I send to the desk an amendment on behalf of myself, Mr. MITCHELL, Mr. DOLE, Mr. WELLSTONE, Mr. SPECTER, and Mr. WOFFORD.

Mr. President, this amendment is based upon a joint resolution which I offered on the first legislative day of the new Congress Senate Joint Resolution 110. It has been updated to take note of the extraordinary effort of the

Government of Israel to rescue thousands of Ethiopian Jews. We have come to the Senate floor to offer this amendment at a late hour, but I know that the current cosponsors of Senate Joint Resolution 110 would wish to be recorded as strongly supporting the present amendment. I ask unanimous consent that their names be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD as follows:

S.J. RES. 110 COSPONSORS

Adams of Washington.
Akaka of Hawaii.
Biden of Delaware.
Bond of Missouri.
Bradley of New Jersey.
Coats of Indiana.
Cochran of Mississippi.
Cranston of California.
DeConcini of Arizona.
Dixon, Alan of Illinois.
Dole of Kansas.
Durenberger of Minnesota.
D'Amato of New York.
Glenn of Ohio.
Gore of Tennessee.
Graham, Bob of Florida.
Grassley of Iowa.
Inouye of Hawaii.
Kasten of Wisconsin.
Kennedy, Edward of Massachusetts.
Kerry, John of Massachusetts.
Kohl of Wisconsin.
Lautenberg of New Jersey.
Levin, Carl of Minnesota.
Lieberman of Connecticut.
Mack of Florida.
Mitchell, George of Maine.
Nickles, Don of Oklahoma.
Packwood of Oregon.
Pell of Rhode Island.
Reid of Nevada.
Riegle of Michigan.
Robb of Virginia.
Sarbanes of Maryland.
Seymour of California.
Simon of Illinois.
Specter of Pennsylvania.
Stevens of Alaska.
Wellstone of Minnesota.
Wirth of Colorado.

The PRESIDING OFFICER. The Chair would advise the Senator from New York that the Simon amendment is the pending amendment. There would have to be unanimous consent to set that aside before the Chair can recognize the Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? The request is to lay aside the amendment offered by the Senator from Illinois so the Senator from New York can offer another amendment.

Mr. DOLE. Temporarily.

The PRESIDING OFFICER. The amendment is temporarily laid aside.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report. The amendment is under consideration due to the unanimous-consent agreement.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. MITCHELL, Mr. DOLE, Mr. WELLSTONE, Mr. SPECTER, and Mr. WOFFORD proposes an amendment numbered 838.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly, Resolution 3379 (XXX).

Since the United Nations General Assembly Resolution 3379 (XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search of a settlement in the Middle East;

(b) is inconsistent with the Charter of the United Nations;

(c) remains unacceptable as a misrepresentation of Zionism; and,

(d) has served to escalate religious animosity and incite anti-Semitism;

Since Israel recently undertook the dramatic rescue of thousands of Ethiopian Jews thereby further demonstrating the complete falsity of Resolution 3379;

Since the United States vigorously opposed the adoption of Resolution 3379 and has never acquiesced to its content;

Since the Soviet Union vigorously supported the adoption of Resolution 3379 but has now stated that it no longer supports the resolution;

Since the Soviet Union has expressed a desire to participate in the search for a just and lasting peace in the Middle East and should demonstrate its commitment to peace by working to repeal Resolution 3379;

Since the repeal of Resolution 3379 would serve as an important confidence-building measure;

Now, therefore, be it hereby declared that it is the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

The PRESIDING OFFICER. The Senator from New York.

Mr. SARBANES. Mr. President, if the Senator will yield, we are prepared to accept the amendment.

Mr. McCONNELL. Yes.

Mr. MOYNIHAN. I urge the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 838) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Once again, the Chair informs the Senator from Arkansas, the Simon amendment

is the pending amendment and he would have to get unanimous consent to set that aside before we can accept the amendment offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the Simon amendment be temporarily laid aside for not to exceed 1½ minutes, at which time this amendment will be disposed of, hopefully, and then the Simon amendment again becomes the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

AMENDMENT NO. 839

(Purpose: To express the concern of Congress regarding the deteriorating human rights situation in Uganda)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 839.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Congress finds that:

(1) Amnesty International and others have reported that:

(a) The government of President Yoweri Museveni in Uganda has continued to detain hundreds of people in prison without charge or trial;

(b) There are arrests, punishment and killing of civilians in expected rebel areas, and an increased number of political prisoners;

(c) There are prisoners of conscience who are being cruelly treated;

(d) Extrajudicial executions by National Resistance Army forces have been reported from areas where there has been rebel activity;

(e) The government of Uganda has been slow to investigate reports of extrajudicial executions, as well as charges of rape and violence toward women by National Resistance Army soldiers in areas of rebel activity;

(2) The people of Uganda have lived without basic human rights for decades, and have suffered unspeakable atrocities under the rule of Idi Amin, one of the most brutal dictators the world has ever known;

(3) Serious abuse of human rights is contrary to the trend of increased freedom in the world;

(a) In Eastern Europe prisoners of conscience have been freed, and people have been allowed to choose their leaders;

(b) In Africa, Namibia voted strong human rights provisions into its new constitution;

(c) In South Africa, the release of Nelson Mandela and other political prisoners signalled the start of negotiations for change in that country;

(d) In Chile, a country with a history of human rights abuses such as extrajudicial executions and torture, a newly elected government is working to strengthen Chile's commitment to human rights.

Therefore; it is the sense of the Senate that:

(1) The Secretary of State should review the allegations of human rights abuses, and continue to monitor the human rights situation there;

(2) The Secretary of State should convey to the government of Uganda the serious concerns of the Congress and the American people regarding the deteriorating human rights situation in that country;

(3) And that further reports of human rights abuses will lead to a major review of economic assistance to Uganda by Congress and the administration.

Mr. MITCHELL. Mr. President, will the Senator yield?

Mr. BUMPERS. Yes.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time consumed on the preceding amendment, the Moynihan amendment, and on the Bumpers amendment, be counted against the 30 hours, postcloture, on the Simon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, this amendment simply says Amnesty International has found human rights in Uganda are deteriorating very rapidly. It calls upon the Secretary of State to review those allegations and warn the Ugandans that their economic assistance will be reviewed by the State Department unless they make improvements in human rights. I think it has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Arkansas?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 839) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I would like to inquire. We have a list here of amendments. I would like to know, is there a purpose in propounding a unanimous-consent request that these be the only amendments remaining in order to the bill?

I am prepared to go through these amendments, to list the amendments, and if it is agreeable then we would close out any other amendments to the bill.

Mr. DOLE. Mr. President, while we are waiting for the distinguished Senator from North Carolina, I wonder if I might offer an amendment for myself and the Senator from North Carolina.

I ask the other amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Simon amendment is temporarily laid aside.

AMENDMENT NO. 840

(Purpose: To establish an Office for International Rehabilitation and Therapy for the purpose of providing medical, technical, and scientific assistance to children and young adults who have disabilities incurred as a result of war or exacerbated by former Marxist-Leninist regimes)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. HELMS, proposes an amendment numbered 840.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 9 and 10, insert the following new section:

SEC. 216. OFFICE FOR INTERNATIONAL REHABILITATION AND THERAPY.

(a) There is hereby established in the Bureau of Research and Development of the Agency for International Development, an Office for International Rehabilitation and Therapy (hereafter in this section referred to as the "Office"). The purpose of such Office is to provide technical and other assistance to and to encourage scientific and technical exchange with governmental and private entities in foreign countries providing medical and rehabilitation related assistance, including, but not limited to, prosthetic and vocational rehabilitation and training for children with physical or mental disabilities, including rehabilitation training for families of these children.

(b) The Office is authorized, subject to the availability of appropriations—

(1) to provide grants to, enter into cooperative agreements with, or contract for the provision of goods and services by private and voluntary organizations or not-for-profit entities in the United States; and

(2) to enter into cooperative agreements with or contract for the provision of goods and services by for-profit entities in the United States.

(c) Of the funds authorized to be appropriated for the Development Fund for Africa under chapter 10 of part I, \$10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in sub-Saharan African countries.

(d) Of the funds authorized to be appropriated in section 104(g)(1)(B) of the Foreign Assistance Act of 1961 for health assistance, \$10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in countries outside sub-Saharan Africa, of which amount—

(1) \$3,000,000 is authorized to be made available for assistance to Romanian children with disabilities, with emphasis on institutions for the severely handicapped; and

(2) \$250,000 is authorized to be made available for the establishment of a joint Latin American/Caribbean and United States disabilities exchange program and conference.

(e) It is the sense of the Congress that, in providing assistance under this section, special attention should be given to providing assistance to children with physical or mental disabilities incurred as a result of war or civil conflict or exacerbated by atrocities committed by former Marxist-Leninist or other totalitarian regimes.

(f) Funds may be made available under this section notwithstanding any provision of law which restricts assistance to foreign countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(g)(1) There shall be established an Advisory Board on International Rehabilitation and Therapy (hereafter in this section referred to as the "Advisory Board"), which shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Majority Leader of the Senate, after consultation with the chairman of the Committee on Foreign Relations of the Senate.

(B) Two members appointed by the Minority Leader of the Senate, after consultation with the ranking minority member of the Committee on Foreign Relations of the Senate.

(C) Two members appointed by the Majority Leader of the House of Representatives, after consultation with the chairman of the Committee on Foreign Affairs of the House of Representatives.

(D) Two members appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(E) Four members appointed by the President.

(2) The Advisory Board shall advise the Administrator of the Agency for International Development on matters related to the Office's program.

(3)(A) Except as provided in subparagraph (B), members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board.

(B) Any member of the Advisory Board who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Advisory Board.

(4) The Administrator of the Agency for International Development is authorized to provide for necessary secretarial and staff assistance for the Advisory Board.

Mr. DOLE. Mr. President, Senator HELMS and I are offering an amendment to S. 1435 to establish an office for international rehabilitation and therapy. This office, which is designed to provide technical, medical, and related services to thousands of foreign children with disabilities, is to be located in the Bureau of Science and Technology of the Agency for International Development.

The Helms-Dole amendment is clear and comprehensive, providing disabled children of former Marxist-Leninist regimes with critical medical, technical, and vocational rehabilitation training. When the Iron Curtain fell, a tragic and gross pattern of official neglect for citizens with physical and mental disabilities was discovered. This amendment, which provides critical assistance to democratic governments, is clearly warranted. Arguably, there is no more important foreign assistance issue than helping other countries to develop more humane and responsive

policies for their citizens with disabilities.

Last year, the United States enacted the landmark Americans With Disabilities Act [ADA] of 1990. The ADA, which is the most comprehensive disability law to receive consideration anywhere in the world, ensures the inclusion of millions of citizens with disabilities into American society. It is our duty to provide assistance to other nations as they struggle to design medical and rehabilitation services for their citizens with disabilities.

Our amendment is a step in the right direction. For too many years, the children of totalitarian socialist states have suffered brutal political repression. We have a responsibility to help these emerging governments ensure that those with disabilities have the opportunity to participate in an accommodating, barrier-free society.

The amendment, which authorizes \$20 million for the office, evenly divides the funds between the development fund for Africa and countries outside of Africa. Of the \$10 million directed to non-African countries, \$250,000 will be used to establish a joint Latin American/Caribbean and U.S. disability exchange program and conference. It is also important to note that \$3 million will be directed to assist Romanian children with disabilities in institutions for the severely handicapped.

It is absolutely essential that funding be dedicated to these Romanian institutions. Many of the facilities are staffed by individuals lacking the requisite skills to provide care. Consequently, this amendment will provide funds to ensure adequate staff training and development.

Funding is also badly needed to rebuild and renovate these facilities for children with disabilities. I had the opportunity to visit one of the institutions for the severely handicapped and can attest to the dilapidated conditions of these so-called care facilities. Many of the institutions, for example, lack plumbing, heating, running water, and furniture such as beds and tables.

Mr. President, the Helms-Dole amendment does not increase spending. The funds will be diverted to the office from other related programs. It is more cost-effective than the current system, and provides some additional direction to the provision of assistance programs for children and young adults.

I urge my colleagues to join myself and Senator HELMS in supporting this important amendment.

Mr. HELMS. Mr. President, thousands of children each year are tragically disabled as a result of war and violent civil conflict. Senator DOLE and I are offering the pending amendment to S. 1435 for the purpose of providing medical, technical, and related assistance to children with physical or mental disabilities incurred as a result of

war or civil conflict or exacerbated by atrocities committed by former Marxist-Leninist regimes.

All of us have seen the heart-wrenching pictures of children maimed as a result of war. Many Senators will recall the pictures of children in Afghanistan whose arms were blown off when they picked up booby-trapped toys dropped by the Soviet military. Likewise, all of us have seen pictures of hundreds of Romanian children, many with disabilities, lying in their own body waste in Ceausescu's hell holes for orphans and the disabled.

We all know the devastation and human suffering caused by the tragedy of war and by the dehumanizing programs of Marxist-Leninist regimes. Senator's DOLE's and my amendment simply recognizes the enormous number of children who desperately need medical and technical assistance, especially in the areas of prosthetic and vocational rehabilitation and training.

The Helms-Dole amendment establishes an Office for International Rehabilitation and Therapy within the Bureau on Research and Development of the Agency for International Development. Assigning the Office to the Bureau on Research and Development is not only cost effective; it will ensure higher quality programs in the highly technical fields of medicine and rehabilitation.

The amendment authorizes \$20 million to be administered by the Office for International Rehabilitation and Therapy. Of this \$20 million, \$10 million is authorized to be available to this office from the Development Fund for Africa for disabled children in Africa. Also, \$10 million is authorized to be available to the office from the health programs in the foreign aid bill for disabled children outside Africa of which \$3 million is directed to Romanian children with disabilities.

Currently, AID programs are refurbishing orphanages, digging wells, and sending in teams of doctors and health care workers to do basic surgery, physical therapy, and other services for the handicapped. There are over 600 institutions in Romania including 85 institutions for physically and mentally handicapped children and another 375 orphanages. However, AID-funded programs are working in only 64 of these institutions. Some institutions for the handicapped have not been touched by Western assistance.

The humanitarian programs in Romania are doing a world of good for hundreds of children that were left to die by Ceausescu's cruel regime. Although some assistance is coming from other countries, the needs are so great that the programs should be expanded and extended to meet the desperate need of these children. This amendment will do just that.

The Helms-Dole amendment does not call for any increase in current author-

ization levels. It simply directs that some of the current funds be devoted to assisting the victims of war and the victims of abominable, dehumanizing Marxist-Leninist regimes.

I believe this amendment is one that we can all agree upon. I hope Senators will see fit to add it to the bill before us.

Mr. SARBANES. Mr. President, we regard this as a very constructive amendment on the part of the distinguished Republican leader, and we are happy to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 840) is agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Maryland.

Mr. SARBANES. Mr. President, if I could have the attention of the two leaders, I would like to again make the inquiry of whether there is a purpose to be served by seeking a unanimous-consent agreement now that would limit the amendments that will be in order to be offered.

We have a list. Before I go reading the whole list, I thought I would ascertain whether there is purpose in doing so.

Mr. MCCONNELL. Mr. President, many of the amendments are acceptable. I am not aware of any additional amendments to be added to the list. Consequently, I think I can agree to the unanimous-consent request to limit the remainder of the amendments to the list we have before us.

Mr. EXON. Mr. President, I would like to make a brief statement about the lack of quality of life in the U.S. Senate these days.

I am very much disturbed by the fact that I see that we are now falling into a pattern, a very definite pattern; that it is very clear that the way of the Senate has become the way of cloture. No longer does the usual comity exist that we have enjoyed over the years to have the cloture action reserved and withheld only for the most meaningful or important bills—which is, I believe, what it is always intended to be used for—given that for almost every vote that comes before this body, one or more of the 100 Members decide that this is the most important issue that ever faced the U.S. Senate from the beginning of its time.

I reference the last vote on the Simon amendment. It so happens that the Senator from Nebraska was in the Chair at the time that this amendment was offered. I do not happen to support the Simon amendment. When I have a

chance to vote, I will vote against the Simon amendment.

But being the Presiding Officer, and keeping tally of the vote, when it was 59, I voted for cloture to try and send a message to the U.S. Senate, that I suggest that some of the leadership should also send from time to time, that we are becoming a body that has to have 60 votes to pass everything.

That is not the way the Senate is supposed to work. I voted for the amendment offered by the Senator from Illinois hoping that maybe we can begin to have some kind of understanding, formal or otherwise, that one is fearful, because of a 30-second commercial somewhere down the line, that if he votes differently on a cloture vote than that Senator would on the vote itself, he is going to be penalized.

I think we are penalizing the U.S. Senate and the actions that we are supposed to take on a deliberative basis, generally on a majority basis, by falling into the habit of cloture motions being submitted almost more in total numbers than bills and amendments. I think that is the beginning of the breakdown of the process.

So at least this one Senator is saying, from time to time, and more times than I have probably ever done in the past, that I will from time to time be voting for cloture on ending debate on some kind of a measure that I might feel very strongly about simply along the lines of trying to move the body forward.

There are some times, of course, when I will not be in a position to do that. But I just hope we will not become involved in a situation where the minority of the U.S. Senate becomes the majority through the use of filibuster or even the threat of filibuster.

I am, frankly, a little bit worried about the fact that time after time, on almost every issue that comes before us, whether it is a big issue or a little issue, the name, the authority of the President of the United States is brought down on this body: If you do not do it this way or that way, it is going to be vetoed by the President of the United States.

That is his job if he sees it that way. But I certainly think that the quality of life of the U.S. Senate is going to further deteriorate next week.

If we can ever dispose of this bill, we will take up the defense authorization bill. I will be in the leadership chair several hours next week. I will be attempting at that time to get some short time agreements on many amendments, because while people in this body might think that debating something an hour, 2 hours, 3 hours, 8 hours, 10 hours, or 10 days changes votes, I do not think it does. I think once an issue is understood by the Members of this body, then the die is cast, and the only way it, unfortunately, can be stopped, sometimes by a

distinct minority of the U.S. Senate, is to go the filibuster route.

The process is beginning to break down, and I think we should recognize that.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, I ask unanimous consent that the following amendments that will now be read be the only amendments remaining in order to this bill, and that all listed amendments be offered in the first degree, except where otherwise indicated; and that no motions to recommit be in order:

Senator SIMON on Liberia; SIMON on the Horn of Africa; SYMMS on trade and jobs; KENNEDY and SIMON on South Africa; KENNEDY and CRANSTON on China and Tibet; BIDEN on arms sales democracy; five amendments by Senator HELMS on increased competition, U.N. auditing, U.N. reports, PLO, and Jordan; three amendments by Senator DECONCINI, micro enterprises, CSCE, and the Baltics; an amendment by Senator MACK on economic freedom index; an amendment by Senator DIXON on memorandum of understanding; a Biden-Graham amendment on the rule of law; a Kasten-Inouye amendment on Middle East environment; a Cranston amendment on civil control over the military; a Wirth amendment on the volunteer Government workers participating in SEED; a technical Seymour amendment relating to an amendment that was accepted this morning which needs to be rearranged in the bill; a Rockefeller amendment on Kuwait subcontracting; a Kassebaum-Simon amendment on the Brooke waiver; a Mack-Graham amendment on trading with Cuba; a Dodd amendment, a technical amendment on Enterprise for the Americans; a Levin-Dole amendment on violence against Armenians; a Chafee-Kassebaum amendment, Palestinian schools in West Bank and Gaza; a Leahy amendment on Public Law 480, a technical amendment; a Gramm amendment on cargo preference; a second-degree amendment by Breaux to Gramm on cargo preference; a Brown-Craig amendment on Enterprise for the Americas, debt reduction; a Mitchell-Dole amendment, technical amendment; a Lugar-Glenn amendment with respect to nuclear non-proliferation; and a possible Moynihan amendment—a Lugar-Glenn amendment on the sense of Congress on nuclear proliferation.

The PRESIDING OFFICER (Mr. EXON). The Senator mentioned a Moynihan amendment. The Chair did not hear it.

Mr. SARBANES. No.

The PRESIDING OFFICER. The Senator is striking the Moynihan amendment?

Mr. SARBANES. Yes, just the Lugar-Glenn amendment; a Ford-McConnell amendment on human rights in Guate-

mala; a Kasten amendment on the authorization-appropriation process, and a Sarbanes-McConnell second-degree amendment to Kasten on the authorization-appropriation process.

The PRESIDING OFFICER. The Senate has heard the short list.

Mr. McCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. SARBANES. Mr. President, if I could just interject, a DeConcini amendment on Angola, which I should have listed before.

Mr. McCONNELL. I might say to my friend from Maryland, there is another Brown debt amendment, and Kasten on nuclear proliferation, and a McCain-DeConcini on the environment.

The PRESIDING OFFICER. Are there further additions?

Mr. SARBANES. Yes. A Leahy amendment on structure of accounts, and that may deal with the same subject as the Kasten amendment and therefore I make also a Sarbanes-McConnell second-degree amendment to that amendment.

The PRESIDING OFFICER. Is there objection from the Senator from Illinois?

Mr. SIMON. I will not object but I just want to make clear, the request was that all other amendments except those listed be considered out of order. The pending amendment, I want to make sure, was not listed. Obviously, the Senators exclude that also.

Mr. SARBANES. The pending amendment would certainly be in order.

Mr. SIMON. OK. I thank the Senator. The PRESIDING OFFICER. The pending amendment cannot be removed.

The Senate has heard the lengthy list of amendments that might be proposed by any Senator. The Chair asks, are there any other Senators who can think of any other amendments or staff might think of amendments before the Chair rules on the lists offered by the two leaders?

Is there any objection to the unanimous-consent request? If not, it is so ordered.

Mr. SARBANES. Mr. President, I understand from the majority leader that we expect to be back on this bill at 9:45 in the morning. The managers will be here and we will be prepared to move rather quickly to take amendments. Not all of the amendments on this list can be accepted, but a number of the amendments, in fact, a substantial number of the amendments can be accepted, will be accepted by the managers, and we would like to move through those very quickly. I suggest to Members that if they could come over, we can do it before they go to a committee meeting or do it rather quickly for them; they can get it over and done with and then they do not get backed up later in the day, if that should happen.

Mr. McCONNELL. If my friend will yield, or with their permission, we will be happy to do it for them in large numbers.

Mr. DOLE. As I understand, the Senators would like to complete action on the bill by noon tomorrow, is that correct?

Mr. SARBANES. We would like to complete action as soon as we possibly can.

Mr. DOLE. I think if Members know that, they might show up in the morning if they know the Senators are pushing for noon.

Mr. SARBANES. That is right. We think we can move this bill pretty quickly if Members will cooperate with us. We urge Members to do so. We have now moved this thing through. We have a finite list of amendments that will be considered. We have discussed most of them with Members. There are a few that cannot simply be accepted and may in fact involve a difference and a vote but hopefully those will be reduced to the minimum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT PERTAINING TO CHAPTER 5

Mr. LEAHY. Mr. President, earlier this week the committee removed at my request language relating to agricultural trade assistance in the section establishing limitations on assistance to Guyana and Guatemala. I asked the chairman to remove this language in order to make clear that food and agriculture aid is under the jurisdiction of the Committee on Agriculture.

I did not oppose the policy represented in these sections of chapter 5.

This amendment reinserts the references to the Agricultural Trade Development and Assistance Act of 1954 in these two sections relating to limitation on assistance to these two nations.

I appreciate the assurance of the majority staff of the committee that this amendment will be included in the chairman's technical corrections package. I further ask that the amendment be printed at this point in the debate.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 162, at the end of line 8, insert a comma and add the following: "and assistance under the Agriculture Trade Development and Assistance Act of 1954."

On page 169, line 7 after "1961", add the following: "or the Agriculture Trade Development and Assistance Act of 1954".

On page 170, line 7, insert after "1961", add the following: "and the Agriculture Trade Development and Assistance Act of 1954".

AMENDMENT ON "PROJECT EDEN"

Mr. BURDICK. Mr. President, yesterday the Senate adopted an amendment by Mr. KASTEN, cosponsored by me, Senator INOUE, and Senator LIEBERMAN which created, Project EDEN, the Middle East Environmental Defense Network.

As a sponsor of the provision and as chairman of the Committee on Environment and Public Works, it is my belief that the nations of the Middle East can gain substantially from one another and from the United States in the development of a regionwide program to enhance and maintain the area's environment.

Despite the media's focus on the environmental disaster Saddam Hussein's recklessness created in the Persian Gulf region, there exist day-to-day environmental problems in the Middle East. These problems include water quality and quantity, sensitive ecosystem destruction, solid waste, air pollution, forestation or reforestation, and other matters. Some of these environmental concerns cross national boundaries. Some are serious enough that, if left unresolved, they could become the source of future regional conflict.

This amendment, to paraphrase an American with a uniquely global perspective, may be one small step, but I believe it will be a giant leap for confidence-building on the way toward peace in the Middle East.

Mr. CRANSTON. Mr. President, I wish to comment on title XI, which relates to the Peace Corps, of S. 1435, the International Security and Economic Cooperation Act of 1991. Title XI—which is derived from S. 1042, a bill I introduced on May 9, 1991, with the cosponsorship of Senators WOFFORD, PELL, SIMON, BOREN, DECONCINI, and ROCKEFELLER—would authorize fiscal year 1992 Peace Corps appropriations at a level that would enable the Peace Corps to continue making progress toward achieving the Congressionally mandated goal of a Peace Corps volunteer strength of 10,000 as enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83. Title XI would also establish a foreign currency fluctuations account from which the Peace Corps could draw when the costs of its operations increase as a result of a decline in the value of the U.S. dollar. In addition, title XI would provide for reviews of Peace Corps' health-care services for volunteers and foster the coordination between the Department of Labor and the Peace Corps regarding benefits provided to former volunteers who are disabled during service.

Mr. President, the Peace Corps celebrates its 30th anniversary this year. In March, I joined with the other members of the Foreign Relations Committee in introducing a resolution to

honor Peace Corps volunteers and the Peace Corps on this anniversary.

For three decades now, Peace Corps volunteers have promoted international peace and friendship by helping men, women and children in many nations overcome the often harsh circumstances of their lives. Over 138,000 American men and women have served as volunteers in more than 100 nations around the world. Of this total, I am proud that 17,673 Californians have served as volunteers, more than from any other State.

Mr. President, the demand for the unique work of Peace Corps volunteers has greatly increased in the last two years. Peace Corps programs were opened in 11 countries in 1990 and 14 countries in 1991. Due to dramatic changes in Eastern Europe—an area of the world to which the Peace Corps has not previously been invited—the Peace Corps has opened programs in Hungary, Poland, Czechoslovakia, Romania, and Bulgaria. These assignments highlight the special value of Peace Corps volunteers as not only teachers but as cultural and personal links between very different worlds. Peace Corps' entry into East Europe and other new countries have been a most exciting development.

Several other countries, including Laos, Mongolia, and Namibia, are also hosting their first contingents of volunteers, and still others, including Nicaragua, Chile, and Nigeria, are welcoming the Peace Corps for a second time.

I have been an enthusiastic supporter of the Peace Corps from my first involvement in the mid-1960's as a Peace Corps evaluator in Ghana. Since then, in my 22 years in Congress, I have led many legislative efforts to strengthen Peace Corps programming and funding, including authoring legislation enacted in section 1102 of the International Security and Development Cooperation Act of 1985, Public Law 99-83, which established as a goal of the Peace Corps a volunteer strength of 10,000 volunteers.

Mr. President, I will now outline the specific provisions contained in title XI of the legislation.

AUTHORIZATION OF APPROPRIATIONS

Section 1101 of the pending measure would amend section 3(b) of the Peace Corps Act to authorize a Peace Corps appropriation of \$207 million for fiscal year 1992 and provide that the funds appropriated pursuant to this authorization would remain available through September 30, 1993. The proposed amount is based on the level called for in the April 17, 1991, plan submitted by Peace Corps Director Paul Coverdell to attain the Congressionally mandated goal of 10,000 volunteers—which as I have noted was enacted in 1985. I am pleased that the committee, by supporting this level of funding, continues actively to encourage efforts to

achieve the 10,000-volunteer goal and support the Peace Corps' expansion into new countries and reentry into countries that hosted Peace Corps programs in the past. However, I know I am not alone in wanting to stress the importance of the Peace Corps pursuing balanced expansion worldwide, based on sound programming and the 10,000-volunteer goal, and of expansion into new countries not coming about through the diversion of resources from longstanding programs elsewhere or from pre-service training or in-service training, which are currently less extensive than in fiscal year 1989.

I would also like to note that in fiscal year 1990 and in the current fiscal year, the Peace Corps has received substantial amounts of private sector contributions which have been and are being used to support volunteer projects and, for the first time in the history of the Peace Corps, to pay the cost of volunteers' transportation, living, and readjustment expenses. Although I believe that the unprecedented degree of private-sector financial support for the Peace Corps is a very positive development, I am concerned that serious policy issues may arise if substantial private contributions are made and used to establish or expand a Peace Corps program in a particular country. I believe that the size of Peace Corps' country programs should not be determined by the size of earmarked private contributions but, rather, by the agency's independent assessment, in view of its mission as set forth in the Peace Corps Act, of the various competing needs among the nations requesting volunteers.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

Mr. President, section 1102 would add a new section 16 to the Peace Corps Act to establish a foreign currency fluctuations account for the Peace Corps, patterned after similar accounts established for the Departments of Defense and State and for the American Battle Monuments Commission, and authorizes sufficient annual appropriations to maintain a balance of \$5 million in the account. For a full description of this provision, I refer my colleagues to my statement on page S5661 of the May 9, 1991, RECORD.

EVALUATION OF PEACE CORPS HEALTH CARE SERVICES

Mr. President, I was pleased that the Committee approved, as section 1103 of the bill, my proposal to require the Director of the Peace Corps to contract with an independent health care accreditation organization or organizations to conduct evaluations of the health care needs of Peace Corps volunteers and the adequacy of the system through which the Peace Corps provides health care services in meeting those needs.

The Peace Corps annually provides direct and contract health care services to approximately 6,000 volunteers

worldwide, most of whom face, in addition to illnesses and health problems common in the United States, unusual threats to their health arising from service in areas with different standards of water purity and in which strains of bacteria, parasites, and infectious or tropical diseases are present. I believe that these potentially health threatening situations require that the Peace Corps ensure that volunteers are properly trained in preventive medicine strategies, that host-country clinics and laboratories with which the Peace Corps contracts for diagnostic and treatment services meet appropriate standards, and that Peace Corps medical personnel possess expertise in the specific areas of medicine which are most applicable to the health-care needs of volunteers, including mental health expertise.

I feel strongly that the Peace Corps should provide high quality health-care services to volunteers, and that periodic independent assessments of health-care needs of volunteers and of the system's adequacy in meeting those needs would help to ensure that any significant problems are identified and corrective measures taken.

FEDERAL EMPLOYMENT COMPENSATION CLAIMS

Mr. President, section 1104 would require the Director of the Peace Corps and the Secretary of Labor to submit to the appropriate congressional committees a joint report describing: First, the information provided to Peace Corps volunteers regarding the benefits and services for which they may be eligible in the event they sustain injuries or become disabled during service; and second, the efforts by the respective agencies to coordinate the provision of such information to such individuals. The report would also be required to include information regarding the number of claims filed by volunteers under the Federal Employees Compensation Act [FECA], the percentage of claims that have been approved, and the timeliness of claims processing.

As noted in connection with section 1103, above, I am concerned about the potential adverse health effects on volunteers of Peace Corps service. Thus, I believe it is necessary for the Peace Corps and the Department of Labor to examine together, and report on, how their respective responsibilities in relation to Peace Corps volunteers are carried out and how services to volunteers filing FECA claims might be improved through coordinated efforts.

Mr. President, the General Accounting Office, at Senator INOUE's request, recently reviewed the Peace Corps medical care system in a study entitled "Peace Corps—Long-Needed Improvements to Volunteers' Health Care System" (GAO/NSIAD-91-213, July 1991). As part of this review the GAO made two recommendations that are substantively similar to the two health re-

lated provisions, sections 1102 and 1103, that I have just described.

PEACE CORPS ACT "THIRD GOAL" ACTIVITIES

Mr. President, section 1105 of the bill would encourage the Director of the Peace Corps, in carrying out the third goal of the Peace Corps Act—that of increasing the understanding of other peoples on the part of the American people—to continue to develop, foster, assist, and implement education-related programs, such as the current Peace Corps programs known as World Wise Schools and Peace Corps Fellows/USA.

The World Wise Schools program has grown out of the longstanding tradition of Peace Corps volunteers maintaining "pen pal" relationships with American schoolchildren, and it provides an opportunity for present and former volunteers to share their Peace Corps overseas experiences with students in all 50 States. It also stimulates general international awareness and encourages volunteerism. This is accomplished through exchanges of correspondence with current volunteers, the involvement of former volunteers, and the dissemination of videotapes about Peace Corps service and Peace Corps countries and other educational materials.

The Peace Corps Fellows/USA program enables former volunteers to pursue graduate degrees while using their Peace Corps experience and skills, such as English instruction and health education, in local communities where those skills are much needed.

I consider the increasing efforts of the Peace Corps and returned volunteers to carry out the Peace Corps third goal to be a very positive trend and appreciate the contributions of State and local governments, educational institutions, and non-profit and other organizations to these efforts.

CONCLUSION

Mr. President, of all the international efforts we can make to achieve world peace and understanding, there is no greater contribution than that which the American people make through the Peace Corps. The goal of world peace has been well served by the changes which have eliminated some of the political barriers to understanding and communication among nations and among peoples, but there is still a long way to go. Our investment in the Peace Corps is small compared to the benefits reaped here at home as well as abroad. We must ensure that the Peace Corps stays on the path we have forged thus far toward the 10,000-volunteer goal while we continue to search out ways to improve Peace Corps operations and administration.

DEBT REDUCTION PROVISION IN THE ENTERPRISE FOR THE AMERICAS INITIATIVE

Mr. LIEBERMAN. Mr. President, I want to commend my colleague, the senior Senator from Connecticut, for his fine work on the Enterprise for the

Americas Initiative contained in this bill. Once again, he has shown himself to be a leader in helping our neighbors to the South. His work will certainly help to make the economies of the nations of Latin America stronger. And that is good for us at home as well. They will be better able to buy American goods and services.

I am particularly pleased by the debt reduction portion of the Americas Initiative. The Senator and his staff have devised a thoughtful way to ensure that there will be maximum benefit to any debt reduction that occurs. As my colleague knows, I have introduced a similar debt for environment bill, S. 1124, that would affect not only Latin America but other developing nations as well. I am pleased to say the pending bill incorporates similar elements, and I appreciate my colleagues assistance in this regard.

The language in the pending bill mentions a number of possibilities for the grant program established as a result of debt reduction. One of those possibilities is "environmental activities." I wonder if this would include clean energy or energy conservation sources such as fuel cells some of which, as you know, are manufactured in Connecticut.

Mr. DODD. I thank my colleague for his kind words. I also want to assure him that when we mention environmental activities in the Enterprise for the Americas Initiative, this includes clean energy and energy conservation sources. We have both worked hard to ensure that the fuel cell program continues to be funded. I am sure that this type of technology could be beneficial to the nations of Latin America as the endeavor to clean up their environment.

Mr. LIEBERMAN. I thank my friend for his efforts and for clarifying this point.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitting to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY ALEXANDER'S CIVIL RIGHTS LETTER

Mr. HATCH. Mr. President, I would like to call my colleagues' attention to a letter which I received today from the Secretary of Education, Lamar Alexander. This letter discusses important issues regarding the impact of pending civil rights legislation on the Nation's educational system. In my view, it is an extremely important message.

Mr. President, I ask unanimous consent that Secretary Alexander's July 25 letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
July 25, 1991.

HON. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: Thank you for your recent letter requesting my views on the effects S. 1408 could have on the national crusade for education reform. I am deeply concerned about the possible effect that S. 1408 could have on student motivation to stay in school and to work hard in school. Although the "business necessity" language of the bill is ambiguous in some respects, it is my understanding that employers would often have difficulty in defending the use of legitimate educational criteria in making hiring decisions. I have grave doubts about the wisdom of legislation that would threaten employers with civil liability if they asked prospective employees for a high school transcript or a diploma. To tell employers not to consider such information when making hiring decisions would undermine the importance of staying in school and working hard in school. It would send precisely the wrong message to students and teachers. It would say to students that staying in school doesn't matter, because employers don't have the right to know whether you graduated or whether you did well. It would say to teachers that their work is unimportant in the outside world.

Virtually everyone who is concerned about the future of our nation understands that our population is not sufficiently well educated to meet the demands of the twenty-first century. Study after study has shown that neither our young people—nor our adult population—has the level of knowledge and skills that will be needed to succeed in a changing world. In order to change this situation, we must improve our schools. In order to improve our schools, we must enhance incentives for students to do well in school. We must send a message that attendance in school, achievement in school, and graduation from school are important. Our plans for improving the nation's educational system will be jeopardized by any legislation that inadvertently devalues schooling and depresses academic standards.

I am sure Congress is well aware that our national competitiveness depends on a better educated workforce. Because the global economy is rapidly changing, workers must have the skills to adapt to new work requirements or otherwise they will be left behind by change. Education is the key to equipping workers to respond to change. Employers in many competing nations routinely examine the educational credentials of prospective employees.

Contrary to this global reality, S. 1408 appears to say that employers will not be able to require entry-level employees to have the skills and knowledge necessary to perform functions other than those required by the exact job for which they are being considered. In effect, the bill seems to require that employers hire as if every job is a changeless and dead-end job.

I hope that the Congress will not do anything to remove or undercut the ability of the labor market to reward students who work hard and finish school.

Sincerely,

LAMAR ALEXANDER.

ACTIVITIES IN LOBBYING

Mr. DECONCINI. Mr. President, I would like to make my colleagues

aware of current activities in the field of lobbying. As you may know, all lobbying organizations must register in accordance with the Legislative Reorganization Act of 1946. This act states that "any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress" must report to the Secretary of the Senate, their employer, the interests they are representing, their expenses, and any contributions they receive.

An article in Roll Call, dated May 6, 1991, regarding Common Cause's benefactors drew my attention to this matter. Since my colleagues may find this report informative, I ask unanimous consent that this article be included in the RECORD at the conclusion of my remarks. Based on the findings of this news story, I invite my colleagues to examine, as I have, the disclosure reports of lobbyists in the Senate Office of Public Records. At this time, I ask unanimous consent that the contributors to Common Cause, as listed in reports at the Senate Office of Public Records for the first quarter of 1991, also be included in the RECORD.

I would also like to alert my colleagues to recent proceedings by the Senate Subcommittee on Oversight of Government Management. Senator LEVIN's subcommittee is holding hearings to review the effectiveness of current lobbying regulations and their implementation. We should all pay close attention to these important changes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STANDARD REPORT

Organization/name	Address	Amount
Common Cause:		
Abbot, Charles Mr.	Colorado Springs, CO	\$2,500
Allen, John Rev.	Laconia, NH	500
Altenderfer, Marion Miss	Clearwater, FL	500
Ames, George Mr.	New York, NY	1,000
Andrews, Joseph Mr.	New York, NY	1,000
Anson, Catharine Ms.	New York, NY	1,000
Archibald, W.S. Mr. & Mrs.	Concord, MA	1,000
Baker, R.D. Mrs.	Los Alamos, NM	3,000
Bamberger, Claude Mr.	Tenafly, NJ	525
Barbacci, A.F. Mrs.	Bloomfield, CT	500
Barson, Fred Mr.	Portland, OR	600
Baskerville, David Mr.	Tokyo, Japan	2,000
Beim, David Mr.	Riverdale, NY	500
Belford, Helen Miss	Laguna Beach, CA	500
Benson, Harriet Ms.	Delray Beach, FL	1,000
Berlin, Henry F. Mr.	Southport, CT	500
Blinn, William, F. Mr.	Encino, CA	1,000
Bond, James Mrs.	Philadelphia, PA	1,000
Borish, M.E. Mr.	New York, NY	1,000
Botzow, William Mrs.	Mt. Kisco, NY	500
Brodie, Abner Mr. & Mrs.	Madison, WI	500
Brown, Bruce Mr. & Mrs.	Villanova, PA	500
Cahn, M. Mr. & Mrs.	Pine Plains, NY	500
Callaghan, Lewis Mrs.	San Francisco, CA	500
Carter, Robert Mr.	Newtonville, MA	4,970
Chase, Alfred Mr.	Grass Valley, CA	1,000
Clark, Robert Mr. & Mrs.	Weston, CT	500
Clegg, Harding Mrs.	Santa Rosa, CT	780
Clements, Robert Mrs.	Cleveland, OH	1,000
Cohn, Robert Mr.	Los Angeles, CA	520
Correll, William Mrs.	Cleveland, OH	500
Crawford, R.	Davis, CA	500
Davis, Harvey Mrs.	Santa Barbara, CA	500
Delacorte, Albert Mr.	New York, NY	1,000
Dickson, Allan, Mr.	Black Earth, WI	525
Downs, John, W. Dr.	Falcon Heights, TX	21,400
Edwards, C.C. Dr. & Mrs.	La Jolla, CA	750
Elton, Eunice Miss	San Francisco, CA	1,575
Emerson, Betty, Ms.	Brookline, MA	500
Engelbach, Friedrich Mrs.	Jacksonville, IL	500
Farber, Daniel Mr.	Worcester, MA	2,000

STANDARD REPORT—Continued

Organization/name	Address	Amount
Faulkner, Henry, Mr. & Mrs.	Dover MA	500
Fauli, J. Mr.	Cambridge, MA	1,000
Fischer, Aaron Mr.	St Louis, MO	1,000
Flood, Ellen Ms.	Fond Du Lac, WI	500
Foltz, Alonzo Mr.	McMinnville, OR	525
Fraser, Gladys Miss	Urbana, IL	650
Freeman, Mansfield Mr.	New York, NY	1,000
Friedson, Lucille Ms.	Miami, FL	1,000
Freelich, Helen Ms.	Huettels Landing, NY	1,075
Fuller, Margaret Mrs.	Cincinnati, OH	500
Fullerton, James Mr.	Pasadena, CA	500
Gargan, Andrew Mr. & Mrs.	Litchfield, CT	2,000
Gardner, John Mr.	Stanford, CA	500
Garretson, Jane Ms	Chicago, IL	500
Garrison, Emily Mrs.	Lenox MA	500
Gilbert, Roney Mr. & Mrs.	Furlong, PA	500
Gilmore, Peter Mr.	Boca Raton, FL	500
Goldwasser, Edwin Mr. & Mrs.	Urbana, IL	1,000
Grunbaum, F.V. Mrs.	Pullman, WA	1,000
Guggenheim, David Mr.	Ross, CA	1,000
Haber, Charles Mr.	Carmel Valley, CA	1,500
Hadley, Diana Ms	Tucson, AZ	700
Hafer, Glenn Mr.	Chambersburg, PA	610
Hanson, Robert Mr. & Mrs.	Fairfax, VA	600
Hardin, Dave	Chicago, IL	500
Harris, Arthur Mr.	Honolulu, HI	500
Hart, Joanne Ms	Alexandria, VA	2,000
Hempelmann, Louis Dr.	Rochester, NY	500
Hier, Wayland Mr.	Moorestown, NJ	550
Hines, Dorothy Ms.	Warren, VT	500
Holt, John Mr. & Mrs.	Honolulu, HI	2,000
Hosley, Eleanor Ms	Laguna Hills, CA	690
Howard, Winston Esq.	Littleton, CO	500
Hurd, Lyman Mr.	Grosse Pointe, MI	570
Huser, Frances Ms.	Tucson, AZ	500
Ingalls, Mabel Mrs.	New York, NY	500
Jackson, Brenner Mrs.	Lahaska, PA	750
Jackson, James Dr. & Mrs.	Brookline, MA	500
Johnson, Dick Mr. & Mrs.	South Hadley, MA	1,000
Jones, Dorothy Mr. & Mrs.	Los Angeles, CA	500
Kellogg, Franklin Mr. & Mrs.	Stowe, VT	500
King, John Mr.	Nonwood, MA	1,500
Kirkpatrick, Robert Jr.	Naperville, IL	520
Kirstein, Lawrence Mr.	Washington, DC	500
Ladd, Anne Mrs.	Gualala, CA	1,000
Ladd, Helen Ms.	Cambridge, MA	1,000
Lahr, William Mr.	St. Paul, MN	570
Lamagna, Joseph Mr.	North Babylon, NY	500
Lamb, David Mr.	Boulder, CO	810
Lamberson, George Mr.	New York, NY	500
Lane, Robert Mr.	New Haven, CT	500
Larkin, J.J. Mr. & Mrs.	Tucson, AZ	500
Latzner, Thomas Mr.	St. Louis, MO	500
Light, Timothy Dr.	Middlebury, VT	500
Lilienthal, Philip Mr. & Mrs.	San Francisco, CA	500
Lippincott, D.B. Mr.	North Haven, CT	2,000
List, Vera Ms	Greenwich, CT	1,000
Lombard, Laurence Mrs.	Needham, MA	600
Long, Helen Ms.	Lenox, MA	1,525
Long, Margaret Miss	Berkeley, CA	500
Mac Millen, W.C. Mr. & Mrs.	Lawrence, NY	500
Martin, Raymond Mr. & Mrs.	US Aid APO New York, NY	2,000
Maxwell, Stanley Mr.	Kansas City, MO	500
Mc Dougal, Robert Mr. & Mrs.	Chicago, IL	500
Meiss, Millard Mrs.	Princeton, NJ	500
Mengel, J.T. Mrs.	Chapel Hill, NC	500
Merriam, Ida Mrs.	Mitchellville, MD	500
Mertens, Gertrude Mrs.	Woodstock, VT	500
Metcalfe, L.S. Dr.	Charleston, SC	2,000
Metz, Rene Mr.	New York, NY	765
Meyer, Matthew Mr.	New York, NY	500
Miller, Violet Mrs.	Hot Springs National Park, AR	1,000
Mohr, Robert Mr.	Hatboro, PA	500
Molarsky, Osmond Mrs.	Ross, CA	500
Moorman, Albert Mr. & Mrs.	Atherton, CA	1,000
Morris, Ruth Mrs.	Greenwich, CT	800
Mountcastle, Katharine Mrs.	New Canaan, CT	2,500
Mountcastle, Kenneth Mr.	New Canaan, CT	500
Myer, Jesse Mrs.	Clayton, MO	1,000
Ninde, Nanciann Ms	Columbus, OH	500
Norman, Jane Ms	New York, NY	525
Parish, William Mrs.	Albuquerque, NM	600
Parker, Henry Mr.	Palo Alto, CA	970
Patrick, Hugh Mr.	New York, NY	1,000
Pennock, Mary Ms	Brighton, CO	2,000
Persohn, John Mrs.	Wimberly, TX	500
Peterson, Eric Mr.	Santa Rosa, CA	1,035
Pfeifer, Albin Mr. & Mrs.	Bethesda, MD	600
Pinchot, Gifford Mrs.	Guilford, CT	1,000
Polinger, Howard Mr. & Mrs.	Chevy Chase, MD	500
Pyle, James Mr.	Oyster Bay, NY	500
Raskoff, H.M. Mr.	Woodland Hills, CA	500
Reiner, Kenneth Mr.	Long Beach, CA	550
Reiss, Jonathan Mr.	New York, NY	1,500
Robbins, Joseph Mr. & Mrs.	Cambridge, MA	500
Sawyer, Deb Ms.	Salt Lake City, UT	700
Schubert, Leland Mr.	Cleveland, OH	500
Schumann, W. Ford Mr.	Scottsdale, AZ	1,000
Selden, Irwin Mr.	Centre Island, NY	500
Sempliner, Myron Mr.	Huntington Woods, MI	500
Shafer, Steven Dr. & Mrs.	New York, NY	971
Shaw, Richard Mr.	St. Louis, MO	500
Shepperson, Robert Mr. & Mrs.	Belen, NM	1,000
Sherwin, John Mrs.	Loughborough, OH	1,000
Simons, Joseph Mr.	Great Neck, NY	500
Skutch, Ira Mr.	Sherman Oaks, CA	500

STANDARD REPORT—Continued

Organization/name	Address	Amount
Smeltzer, Ann Ms.	Fort Dodge, IA	1,000
Smith, Norman Mr.	Shaker Heights, OH	565
Solmsen, Max Mr.	Summit, NJ	500
Spence, Dorothy Miss.	West Point, GA	500
Stanley, Edmund Mr. & Mrs.	Orford, MD	1,500
Steele, Joseph Mr.	Villanova, PA	500
Stone, Donald Mr. & Mrs.	Pittsburgh, PA	600
Stone, Stanley Mrs.	Milwaukee, WI	915
Strandberg, John Mr.	Kansas City, MO	2,000
Teichner, Ronald Mr.	Miami, FL	510
Theopold, Jean Mrs.	St. Louis, MO	500
Thurnauer, William Mr.	Teaneck, NJ	2,000
Trenholme, Russell Mr.	St. Paul, MN	500
Van Buren, Frances Mr. & Mrs.	Harwich Port, MA	500
Van Loben Seis, J.M. Mr. & Mrs.	Menlo Park, CA	700
Vance, Cyrus Mr.	New York, NY	500
Victor, Royall Mr.	Hopkinton, NH	700
Walker, Robert Mr. & Mrs.	Princeton, NJ	600
Wells, Mary Mrs.	Santa Rosa, CA	600
Weter, Winifred Miss.	Seattle, WA	500
Whitla, W.F. Mrs.	Sharon, PA	500
Wilcox, Alanson Mrs.	Washington, D.C.	600
Willits, Edward H. Mr.	Newport Beach, CA	1,000
Winton, Lucy Ms.	New York, NY	2,000
Wood, Bettye Ms.	San Antonio, TX	600
Wright, Anne Ms.	New York, NY	540
Wright, William Mrs.	Philadelphia, PA	500
Zwerling, Henry Mrs.	Walnut Creek, CA	650

HOT ON THE TRAIL OF COMMON CAUSE'S MYSTERIOUS \$119,083 TOP BENEFACTORS

(By Glenn R. Simpson)

Common Cause, the public interest group that frequently berates politicians for accepting large contributions and failing to identify the donors properly, claims to know next to nothing about a man who donated \$119,083 to the organization last year.

A concerted effort by Roll Call last week to find out more about the man, who is listed on Common Cause reports as John W. Downs of Falcon Heights, Texas, resulted in a bizarre odyssey that turned up scant details about the group's mystery benefactor.

The search began with a computer-assisted review of Federal Election Commission records that indicated Downs, unlike most other major Common Cause backers, has made no federal political contributions in the last decade. Phone directories in tiny Falcon Heights, which is west of San Antonio in southern Texas, had no listing for a John Downs. The address listed by Common Cause was a post office box.

Roll Call pressed on, searching Who's Who in America, directories of corporate executives, and running the name through the Nexis database, among other things.

Stymied, we called Common Cause official Randy Huwa.

"We really don't know much about him," Huwa confessed. "He's been a member for a number of years, since sometime in 1983. He from time to time makes fairly generous contributions. We haven't solicited a contribution from him in, oh, I think three or four years."

Pressed for more details, Huwa said, "We've never met him, we've never talked to him, we've never really received anything from him, other than occasional contributions." That's about all Common Cause knows about Downs, said Huwa, adding he has "no idea" how John Downs came by the \$119,000 he gave the group last year.

We then tried the Texas chapter of Common Cause in Austin. Texas chapter director Louis Earl had no idea who John Downs was, but was quite interested to hear that he was a Texan and gave \$119,000 to the national HQ.

"We haven't gotten any of it," he said. Roll Call then turned to the offices of south Texas Reps. Kika de la Garza (D) and Solomon Ortiz (D). Their constituent databases showed no records of a John Downs (Falcon Heights is in de la Garza's district; Ortiz is next door), indicating he has never written or called either office.

We then called the San Antonio Light, the major newspaper nearest Falcon Heights, where a city editor was incredulous at the notion that anyone in south Texas would give Common Cause almost \$120,000. The editor suggested Downs could be a "snow bird" who resides further north and merely winters in Falcon Heights.

That clue prompted a call to the Texas Secretary of State to find out whether there was a John W. Downs who was registered to vote anywhere in Texas. Amazingly, there was. A John W. Downs, we were told, has been a registered voter in Hidalgo County since 1983 (the same year Downs joined Common Cause). Downs listed a street address in McAllen, Texas, a town of about 100,000 people just south of Falcon Heights near the Mexican border. Downs was born in Waco, Texas, in 1917, according to the records.

With racing hearts, we called McAllen directory assistance to see if there was a number for John Downs. Nary a Downs listed in McAllen, we were told. We called the McAllen Monitor and other local institutions. No luck.

Finally, using a cross-referenced directory, we found four other individuals with telephone numbers listed as living at the McAllen address, suggesting it was an apartment building or mobile home complex. Two of the four numbers were disconnected, while no one answered at the other two.

Crestfallen, Roll Call made one last-ditch effort to find our mystery man. We phoned information in Waco and asked for the listing of John W. Downs.

Bingo! We called the number, and the following conversation ensued with an elderly woman:

Woman: Hello?

Roll Call: I'm trying to reach John Downs.

Woman: Mr. Downs passed away. I live where he lived, but he died. If you were wanting J.W., he died.

Roll Call: Do you know when?

Woman: Yes it was back years ago.

Roll Call: Years ago?

Woman: Uh-huh. I have kept everything in my mother's name, and I get calls for him, but they're dead, the Downs are. And I just kept everything in their name when I got the house here.

Roll Call: And what's your name?

Woman: Libby.

Roll Call: Did he used to contribute money to political organizations?

Woman: I wouldn't give two cents for whoever's president and stuff. Bunch of stinkers.

Roll Call: His name was John W. Downs?

Woman: Yeah. Do you think they're stinkers, politicians?

Roll Call: I write about them all the time. Was he born in 1917?

Woman: No, he was an older man. He had a son Junior that might have been in '17, but Wesley, the older one, I think he was born earlier than '17.

Roll Call: Do you know where I could reach his son John Jr.?

Woman: No. I have no idea. The last I heard, he was somewhere in Texas, living in a motor home or something.

Fortunately, Roll Call had far less trouble locating Common Cause's second biggest 1990 contributor, Gertrude Mouat of Ianesville, Wis., who gave \$50,000.

"You want to know why I contributed? Well, because I feel they're standing for honest government, not all this political stuff. I feel their motives are honest and statesmanlike, and there's very little of that around," she said.

Mouat said she's an Independent and "not about to give the Republican party any money, or the Democratic party." Asked her opinion of the Senate Ethics Committee's "Keating five" investigation, which was launched partly at the behest of Common Cause, Mouat said:

"I think it's shocking. Anybody that's reading and up at all on the news knows that there's an awful lot of political chicanery and dishonesty going on. Of course, it boils down somewhat to having to raise so much money, so much money to remain in office."

Mouat and Downs are not typical of Common Cause's major contributors. A computer-assisted review of the contributing activities of all individuals who gave the group more than \$1,000 last year found that many are heavy givers.

A typical large Common Cause donor, according to our review, is a liberal Democrat who tends to support liberal Democratic incumbents in Congress and gives to liberal and environmental political action committees.

But Roll Call found numerous Common Cause contributors who are also solid Republican contributors.

Two PACs that receive a good deal of money from the same people who give to Common Cause are Independent Action, a PAC which advocates banning PACs, and the National Committee for an Effective Congress, which was founded by Eleanor Roosevelt in 1948. In addition, many large givers describe themselves as retirees in FEC records.

Sometimes, contributors seem to be giving in a contradictory pattern. Chicago philanthropist Philip Klutznick, who gave Common Cause \$1,000 last year, is also a longtime contributor to the campaigns and causes of Sen. Alan Cranston (D-Calif.), one of the "Keating Five."

In fact, Klutznick donated \$2,000 to Cranston's legal expense trust fund last year, Senate records show.

"I don't particularly side completely with anybody," said Klutznick in an interview with Roll Call. "I make my own decisions." He added that Cranston is an old friend.

A registered Democrat, Klutznick explained his heavy campaign contributions: "I happen to be interested in people who try to do things."

Like many other Common Cause backers, Klutznick's ability to support such a wide range of candidates could be severely curtailed if Common Cause's prescription for campaign reform is adopted.

The group claims that "less than 1 percent" of its \$11.4 million in contributions last year came from contributions over \$1,000. But Roll Call's calculations indicate that contributions of \$1,000 or more made up some 6.4 percent of total contribution revenues in 1990, while the \$318,983 in contributions of \$5,000 or more comprised about 3 percent of total contributions.

(Mark Krewatch contributed to the research for this report.)

COMMON CAUSE'S OWN FAT CATS

Nineteen individuals contributed \$5,000 or more to Common Cause in 1990, according to reports filed by the group with the Secretary of the Senate. Many of them contribute heavily to candidates in federal elections. Here's who they are.

John W. Downs, Falcon Heights, Texas. Total Common Cause contributions in 1990: \$119,083; total 1989-1990 campaign contributions: 0.

Gertrude Mouat, Janesville, Wis. Total Common Cause contributions in 1990: \$50,000; total 1989-1990 campaign contributions: \$600.

Richard Salomon, New York City. Total Common Cause contributions in 1990: \$12,000; total 1989-1990 campaign contributions: \$24,000.

Salomon is a member of the Common Cause board of directors and is chancellor emeritus of Brown University. He is also a member of the executive committee of Squibb Pharmaceuticals. He is a registered Democrat. During the 1990 cycle, Salomon gave to Sens. Alan Cranston (D-Calif.), John Kerry (D-Mass), Daniel Akaka (D-Hawaii), Jay Rockefeller (D-WVa), Claiborne Pell (D-RI), Bill Bradley (D-NJ), and several other Democratic candidates.

Clifford B. Holser, San Luis Obispo, Calif. Total Common Cause contributions in 1990: \$11,100; total 1989-1990 campaign contributions: \$250.

Holser gave to the campaign of North Carolina Senate candidate Harvey Gantt.

Thomas J. Watson Jr., Armonk, N.Y. Total Common Cause contributions in 1990: \$10,000; total 1989-1990 campaign contributions: \$29,500.

Watson, former U.S. Ambassador to the Soviet Union under President Carter, is the former CEO of IBM. He contributes mostly to Democratic incumbents, including Speaker Thomas Foley (Wash) and Sens. Paul Simon (Ill), Pell, Kerry, Max Baucus (Mont), and Daniel Moynihan (NY). He gave \$10,000 to the Democratic Senatorial Campaign Committee.

Ruth Lilly, Indianapolis, Ind. Total Common Cause contributions in 1990: \$10,000; total 1989-1990 campaign contributions: \$31,750.

Lilly, who is in her 80s or 90s, is an heir to the Eli Lilly pharmaceutical fortune, according to the Lilly Foundation in Indianapolis. She donated exclusively to Republicans in 1990 and gave heavily to the Republican National Committee, the National Republican Senatorial Committee, and the National Republican Congressional Committee. Lilly contributed to Indiana GOP Sens. Dan Coats and Dick Lugar as well as Indiana Republican Rep. Dan Burton.

Albert and Letitia Delacorte, New York City. Total Common Cause contributions in 1990: \$9,500; total 1989-1990 campaign contributions: \$2,750.

Albert Delacorte donated \$2,500 to the Sierra Club Political Committee, while Letitia Delacorte gave \$250 to the Democratic Party. Neither listed an occupation or place of employment.

Richard Barsanti, Western Springs, Ill. Total Common Cause contributions in 1990: \$9,350; total 1989-1990 campaign contributions: \$9,050.

Barsanti describes himself in various FEC records as retired, self-employed, and a salesman. He gave to liberal Democratic incumbents such as Sens. Tom Harkin (Iowa) and Carl Levin (Mich) as well as to Democratic Senate challengers such as Ted Mueser (SD) and Harvey Sloane (Ky). He also gave to environmental groups and to liberal groups like the National Committee for an Effective Congress and the Americans for Democratic Action political action committee.

Michael J. Weithorn, Los Angeles, Calif. Total Common Cause contributions in 1990: \$7,500; total 1989-1990 campaign contributions: \$750.

Weithorn is an executive of 20th Century Fox. In 1990, he gave to the National Committee for an Effective Congress and to Sen. Bill Bradley (D-NJ).

Catherine Tilghman, Salisbury, Md. Total Common Cause contributions in 1990: \$6,000; total 1989-1990 campaign contributions: 0.

Gladys Delmas, New York City. Total Common Cause contributions in 1990: \$6,100; total 1989-1990 campaign contributions: 0.

Martha W. Tolman, Evanston, Ill. Total Common Cause contributions in 1990: \$6,100; total 1989-1990 campaign contributions: \$77,675.

Tolman, who appears to have contributed well over the \$25,000 annual legal limit, gave to liberal Democrats such as Rep. Ron Dellums (D-Calif) and to liberal groups such as the National Committee for an Effective Congress. She also gave to women's groups and environmental groups.

Rev. & Mrs. Frederick Buechner, Pawlet, Vt. Total Common Cause contributions in 1990: \$6,000; total 1989-1990 federal campaign contributions: \$2,700.

Buechner is a Presbyterian clergyman and noted author. His 1971 work *Lion Country* was nominated for the National Book Award, and in 1955 he won the O. Henry prize for his short story, "The Tiger."

During the 1989-90 cycle he and his wife gave to Rep. Peter Smith (R-Vt), the League of Conservation Voters (LCV), the National Committee for an Effective Congress, and the Democratic National Committee.

Andrew and Jamie Gagarin, Litchfield, Conn. Total Common Cause contributions in 1990: \$6,000; total 1989-1990 campaign contributions: \$10,400.

Andrew Gagarin describes himself as a retired architect; Jamie Gagarin describes herself as a New York University linguist.

Donation recipients: NCEC, Democratic Senate candidate Sam Beard (Del); Democratic Senate candidate Harvey Gantt (NC); former Rep. Toby Moffett (D-Conn); another defeated candidate; Congressional Agenda; Independent Action; and LCV.

Elizabeth Borish, New York City. Total Common Cause contributions in 1990: \$5,500; total 1989-1990 campaign contributions: \$15,500.

Borish describes herself as retired in FEC records. In 1990 she gave to Democratic Party committees, to the NCEC, and to environmental groups.

Ursula Corning, New York City. Total Common Cause contributions in 1990: \$5,400; total 1989-1990 campaign contributions: 0.

Robert B. Wallace, Washington, DC. Total Common Cause contributions in 1990: \$5,000; total 1989-1990 campaign contributions: \$34,000.

Wallace is a noted Washington surgeon who chairs the surgery department at Georgetown University School of Medicine. Wallace gave to liberal Democratic incumbents, the NCEC, and other liberal and environmental groups.

Crawford Gordon, Kaycee, Wyo. Total Common Cause contributions in 1990: \$5,000; total 1989-1990 campaign contributions: \$2,000.

Gordon describes himself as a rancher in FEC records. He gave \$1,000 each in the last cycle to Rep. Craig Thomas (R-Wyo) and Sen. Alan Simpson (R-Wyo).

Janet Lecompte, Albuquerque, N.M. Total Common Cause contributions in 1990: \$5,000; total 1989-1990 campaign contributions: 0.

Research for the information above is based on Federal Election Commission records, "Who's Who in America," and other sources. Compiled by Mark Krewatch and Glenn R. Simpson.

S. 1220, THE NATIONAL ENERGY SECURITY ACT

Mr. SHELBY. Mr. President, I would like to associate myself with the re-

marks of my colleagues this week on S. 1220, the comprehensive energy legislation reported by the Committee on Energy and Natural Resources. S. 1220 covers a wide range of energy issues and includes aggressive initiatives to reduce our dependence on foreign oil.

I cannot overstate the importance of addressing these energy issues in the Senate—sooner, rather than later. As we get further away from the recent war in the Persian gulf, it gets easier for people to forget what got us there. Energy is not on the minds of the average American in quite the same way that it was 3 or 4 months ago. But it will be—the next time our supply is threatened again. I hope that we will take this warning and have the sense to act now.

We simply must not delay in taking steps now to reduce our dependence on foreign oil. We must take the steps necessary to ensure that our own domestic supply will be available, considering the instability of the Middle East. We must take steps now to ensure that an adequate and clean supply of energy will be available in the United States well into the future.

Among the most important components of S. 1220 are the coal and clean coal technology provisions. Our Nation is scrambling to find new sources of oil, as our domestic supply is on a steady, downward spiral. However, coal remains in abundance, in fact, coal is our most plentiful domestic energy resource.

Last year, domestic coal production skyrocketed to a record level of a billion tons. Some 25 percent of our energy supply in the United States comes from coal. Over 55 percent of our Nation's electricity supply is produced from coal.

There are sufficient coal reserves in the United States to supply our energy needs for over 200 years at our current rates of consumption. Coal deposits are located in 38 of our 50 States. One of those States is my home State of Alabama. In 1990, Alabama produced over 28 million tons of coal, or 2.8 percent of total U.S. production.

Coal will continue to supply a major portion of our energy into the future. We simply cannot turn our back on such an abundant domestic resource. We must, however, be able to use this coal in a clean and environmentally sound manner. Therefore, we must continue the development of technologies that have the capability to reduce significantly the emissions from coal.

I am particularly pleased to have joined my colleagues on the Energy Committee in supporting strong provisions in S. 1220 to ensure that these technologies are developed and commercialized in a timely fashion. The coal provisions of S. 1220 include research and development initiatives on a wide range of advanced coal-based technologies that will be able to not

only reduce and control emissions, but also achieve greater efficiency. S. 1220 will ensure that the progress made in the development of clean coal technologies will continue.

The program laid out in S. 1220 will also build on the existing clean coal program to include advanced uses of coal for purposes other than the generation of electricity—such as for the production of transportation fuels and nonfuel byproducts. S. 1220 lays the groundwork for us to tap into the great potential for development and utilization of coal-based technologies in these and other areas.

Finally, S. 1220 contains an aggressive program for research, development, demonstration, and commercialization of coal refining technologies. To date, the Department of Energy has carried out only a limited program in coal refining. S. 1220 will revitalize that program in a way that will lead to timely commercialization of these technologies.

Developing clean and efficient technologies in the United States that will utilize our own domestic resources is of the utmost importance. However, it is equally important that these technologies be available for use outside of this country. Environmental safeguards in countries like Germany are already opening new markets for United States coal.

The United States has traditionally been a world leader in coal exports and is well positioned to become a major exporter of clean coal technologies. Export of the technology is particularly important to the developing countries where there are abundant resources. With our advanced technologies, these countries will be able not only to produce energy more efficiently, but also to control greenhouse emissions more aggressively.

S. 1220 establishes an interagency Clean Coal Technology Export Coordinating Council to facilitate and expand the export and utilization of these technologies. Establishment of this Council will go a long way toward making the United States a major exporter of clean coal technologies and improving U.S. competitiveness.

Mr. President, an energy policy must have building blocks and coal unmistakably must be one of them. The future for the coal industry is very promising, both as an abundant source of energy and a major export, enhancing U.S. competitiveness in international markets. We cannot neglect to nurture the research and development of new technologies in this industry.

With continued technological advancements to make coal cleaner, we are rapidly approaching the day when coal can no longer be considered a major contributor to the world's environmental problems. Already, low sulfur coal has helped the electricity industry combat its emissions problems.

Technologies such as coal gasifications should be on the market within the next 7 to 8 years.

I am pleased that S. 1220 recognizes the vital importance of developing coal as an effective, clean, abundant, and economically sound source of energy. Consequently, let me reiterate the importance of considering S. 1220 in a timely fashion. Energy is too important to our country's economic development to just sit back and wait.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,322d day that Terry Anderson has been held captive in Lebanon.

UI EXTENDED BENEFIT LEGISLATION

Mr. DOLE. Mr. President, this morning the Senate Finance Committee met to mark up S. 1554, the Emergency Unemployment Compensation Act of 1991. The distinguished Senator from Texas [Mr. BENTSEN] introduced the legislation just last night.

We have been around this block before with the majority trying to create a political issue—completely overriding the legislative process.

BAD PROCESS

On the process side, my office did not receive a copy of this legislation until 7 p.m. last night. This is hardly enough time to prepare for a markup on such an important and complicated matter.

The majority did not want us to have the time to review their bill. They did not want us asking tough questions on why new and unusual benefit levels were chosen over ones more commonly used in extended benefit programs or why a triggering mechanism for benefits that has never been used should suddenly be permanently written into the law.

The answer, of course, Mr. President, was extremely clear in this morning's markup. The supporters of this legislation want a partisan showdown with President Bush.

BAD SUBSTANCE

While my staff and I only had a few hours to review the bill, there was a lot to cause me a great deal of concern.

During the markup, I offered a few amendments addressing some of my concerns.

I submitted an amendment which would have provided extended benefits but based on a plan that would be cheaper, reach more States with more benefits, and be easier to administer.

Unfortunately, this proposal, which is a good proposal, fell on deaf ears and was defeated with little consideration.

In addition, I offered an amendment dealing with the funding mechanism set forth in this proposal.

We all know that under the budget agreement enacted on a bipartisan

basis last year, new benefits are to be paid for—either by commensurate reductions in other spending or by increases in revenues. I understand that the benefits provided by this legislation cost about \$5.8 billion and yet are not financed as required under the budget agreement.

While some would argue that the balances in the UI Trust Fund can be used to pay these benefits, the budget agreement specifically took these balances into account when the agreement was forged.

To be honest, Mr. President, I would like to have a hearing on whether we even need emergency legislation and if we do, what the best program to help those who are out of work and who need Government assistance.

None of these questions has been intelligently addressed or answered in an open forum and unfortunately they probably won't be because the majority suddenly seems determined to ram a bill through Congress before the August recess starts.

Mr. President, we all feel the pain of the unemployed and recognize the need for the Government to help those out in times of need.

That is not the issue here for there has been no attempt to devise a program that is the best and most efficient allocation of our resources to such persons.

AUTHORIZATION FOR PRODUCTION OF DOCUMENTS

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) to authorize the production of documents.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the investigations officer appointed by the U.S. District Court for the Southern District of New York, to assist in the enforcement of the consent order entered in a civil action brought under the Racketeer Influenced and Corrupt Organizations Act by the United States against the International Brotherhood of Teamsters, has requested transcripts of deposition testimony received by the Permanent Subcommittee on Investigations during 1985 and 1986.

In keeping with the Senate's customary cooperation with legitimate requests of law enforcement officials, this resolution would authorize the chairman and ranking minority member of the subcommittee to provide the

investigations officer with subcommittee records.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 159

Whereas, during the period of 1985 to 1986, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs received the deposition testimony of John Nardi, Jr., John Joyce, Nicholas Nardi, John Climaco and Sam Rapisarda, in connection with its investigation into the handling by the Department of Justice, the Department of Labor, and the Department of Transportation of a labor fraud investigation of Jackie Presser, then president of the International Brotherhood of Teamsters;

Whereas, the Investigations Officer appointed by the United States District Court for the Southern District of New York to assist in the enforcement of the consent order entered in a civil action under the Racketeer Influenced and Corrupt Organizations Act brought by the United States against the International Brotherhood of Teamsters, has requested transcripts of the deposition testimony of these witnesses in furtherance of his law enforcement responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to the Investigations Officer appointed by the United States District Court for the Southern District of New York records of the Subcommittee's investigation of the handling of the Presser investigation.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 1563

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1563 introduced earlier today by Senators KERRY, PELL, HOLLINGS, and others regarding reauthorization of the Sea Grant Program be jointly referred to the Senate Committees on Commerce and Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 100TH ANNIVERSARY OF MOVIE MAKING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Concurrent Resolution 44, a concurrent resolution relating to moviemaking, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 44) expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution and its preamble are agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 44

Whereas in the late 19th century, inventors around the world focused on discovering a means of artificially reproducing movement so that it appeared to the viewer as though he or she were seeing it happen;

Whereas that discovery led to the emergence of the art and science of motion pictures through many creators in the United States and other nations around the world;

Whereas during the period, the technology necessary to create motion pictures was perfected in a series of exciting American inventions, which included the development of the kinetograph and kinetoscope by Thomas Edison and W.K.L. Dickson, and the perfection of strip film by George Eastman;

Whereas the cycle of invention, innovation, and improvement continued without pause during the 1890's with the construction of Thomas Edison's first film studio, dubbed the "Black Maria";

Whereas a series of technological innovations made in 1893 marked a turning point in the development of the motion picture;

Whereas the first commercial presentation of Edison's kinetoscope by the Holland Brothers in New York City demonstrated the public's fascination with motion pictures;

Whereas the demand for kinetoscope films grew and Edison's invention was marketed internationally;

Whereas the motion picture has the power to touch our hearts, souls, and imaginations, and to shape our hopes, dreams, and even our national consciousness;

Whereas the motion picture serves as America's ambassador to the world, conveying American values, beliefs, styles, and attitudes, transforming world culture with its potent images, and making the global village a reality;

Whereas motion picture production is not only an art, but one of America's most successful creative enterprises;

Whereas the motion picture has enriched our cultural heritage with unforgettable characters who have become American icons,

from Harold Lloyd, Charlie Chaplin, and the Marx Brothers to the immortal Greta Garbo and the eternal Lillian Gish, from Bogie and Bacall, John Wayne, Sidney Poitier and Cicely Tyson, to Indiana Jones and E.T., and the thousands of other larger-than-life men and women who commanded the silver screen;

Whereas from these motion picture legends came precious film moments that are forever etched in our memories and imaginations;

Whereas in 1965, President Lyndon Johnson signed legislation leading to the foundation of the American Film Institute, and proclaimed that the institute's mandate would be to recognize the moving image as an art form, to preserve the heritage of film and television, and to identify and train the next creative generation;

Whereas on September 26, 1989, President George Bush reaffirmed the American Film Institute's role as the national organization devoted to the film and video arts, and President and Mrs. Bush honored the American Film Institute at a ceremony which celebrated the art form of the 20th century and the role of the American Film Institute in advocating, nurturing, and preserving the art of film and video;

Whereas the American Film Institute is a national leader in film and video arts and is devoted to advocacy for and preservation of the art of film, television and video; and

Whereas the American Film Institute is poised to spearhead the nationwide celebration of film's centennial: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) all Americans should have the opportunity to celebrate the 100th anniversary of film during the year 1993 with exhibitions, festivals, educational programs and other forms of observance; and

(2) the American Film Institute should be recognized as having a leadership role in implementing and coordinating the national centennial celebrations and in joining with regional entities and other interested parties in organizing other events relating to the 100th anniversary of this great American art form.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 40.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 40) entitled "Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as 'National Historically Black Colleges Week'", do pass with the following amendments:

Page 1, beginning on line 3, strike out "period commencing September 8, 1991, and end-

ing on September 14, 1991, is," and insert "week beginning September 8, 1991, and the week beginning September 6, 1992, are each".

Page 2, line 3, after "observe", insert "each".

Amend the title so as to read: "Joint resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as 'National Historically Black Colleges Week'".

Mr. THURMOND. Mr. President, A few weeks ago, the Senate passed Senate Joint Resolution 40, which authorizes and requests the President to designate the week of September 8, 1991 through September 14, 1991, as "National Historically Black Colleges Week." Subsequent to passage in the Senate, the House considered and amended this measure to add the week of September 6, 1992, to the joint resolution. In short, the joint resolution we are considering today designates the week beginning September 8, 1991, and the week beginning September 6, 1992, as "National Historically Black Colleges Week."

This year represents the ninth consecutive year that it has been my privilege to sponsor legislation honoring the historically black colleges of our country.

Mr. President, 8 of the 107 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College are located in my home State. About a month and a half ago, it was my privilege, as a member of the Subcommittee on Education of the Labor and Human Resources Committee, to chair a field hearing and hear first hand from each of these schools on their recommendations for reauthorization of the Higher Education Act. One thing was clearly evident from the hearing—these colleges are vital to the higher education system in South Carolina, and have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

In addition, many other young Americans have received quality educations at the 107 historically black colleges and universities across the Nation. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the Judiciary.

Mr. President, through this joint resolution, the Senate reaffirms its support for historically black colleges and appropriately recognizes their important contributions to our Nation. I look forward to the prompt passage of this measure.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' COMPENSATION PROGRAMS IMPROVEMENT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from the further consideration of H.R. 1047, the Veterans' Benefits Programs Improvement Act of 1991, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 841

(Purpose: To amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes)

Mr. MITCHELL. Mr. President, in behalf of Senator CRANSTON, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. CRANSTON, proposes an amendment numbered 841.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. Mr. President, I am pleased to support passage of H.R. 1047, the Veterans' Compensation Programs Improvement Act of 1991, as amended by the Committee on Veterans' Affairs.

This bill, Mr. President, has been extensively amended pursuant to an agreement between the Senate and House Committees on Veterans' Affairs. As amended, the bill's 21 provisions would cover the following areas of veterans' programs: Compensation and pension for disabled veterans and survivors; life insurance; health; real property and facilities; and miscellaneous provisions.

Most of these provisions, Mr. President, as detailed in the committees' joint explanatory statement, are derived from measures which were agreed to in principle in the last Congress, but not passed. These are provisions which will increase both fairness to individual veterans and the ability of VA to do its job. As ranking Republican member of the Committee on Veterans' Affairs, I support this measure enthusiastically.

H.R. 1047, Mr. President, contains five titles, and a total of 21 provisions:

TITLE I: COMPENSATION AND PENSION PROVISIONS

Title I of the bill contains four provisions which would improve VA's compensation and pension programs.

First, title I of the bill would increase, from \$60 to \$90, the maximum monthly pension payable to veterans readmitted to VA nursing-home or domiciliary care. The purpose of this provision is to correct an inadvertent omission in section 111 of Public Law 101-237.

Second, title I would allow the payment of parents' dependency and indemnity compensation less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable. This is a purely administrative provision.

Third, title I would prohibit a readjustment in the rating schedule from causing a veteran's compensation amount to be reduced unless an improvement in the veteran's disability is shown to have occurred. This provision is one of simple fairness. Similar provisions have been employed in connection with changes in the rating schedule, and, to my understanding, codifies a current VA practice.

Fourth, title I would make the presumptive period—the period after service in a radiation-risk activity during which a disease must become manifest in order to be considered service-connected and, therefore, compensable as disability compensation—for leukemia 40 years. This increase is based on evidence analyzed by VA's Advisory Committee on Environmental Hazards which suggest a longer latency period for radiation-induced leukemia.

TITLE II: LIFE INSURANCE PROGRAMS

H.R. 1047, as amended, would also make three changes in VA's life insurance programs.

First, title II would increase from 1 to 2 years the required time after dis-

charge or release permitted to qualify for National Service Life Insurance for service-disabled veterans.

Second, title II would provide that payments of Service-Disabled Veterans Life Insurance to the beneficiary of a veteran who was mentally incompetent from service-connected disabilities and died without applying for SDVI be made in a lump sum. Under current law, there must be a minimum of 120 equal monthly payments.

Third, title II would establish a one-year period, beginning on July 1, 1991, during which veterans with accumulated dividends on account in the National Service Life Insurance program could use the dividends to purchase additional amounts of paid-up life insurance, and authorizes the Secretary to provide for additional 1-year open seasons. Under current law, this option expired February 1, 1973.

TITLE III: HEALTH-RELATED PROVISIONS

Title III of the bill would provide five health-related provisions.

First, title III would authorize VA to provide outpatient dental care that is medically necessary in preparation for inpatient admission or to a veteran otherwise receiving VA medical care. Under current law, this care is generally available only immediately after discharge; if related to a service-connected condition; or if the veteran is 100 percent service-connected or a former prisoner of war.

Second, title III would increase, from \$500 to \$1,000, the amount that VA may expend during any 12-month period for the furnishing of outpatient dental services to a vet under a contract or fee-basis arrangement without requiring the determination of necessity based on a VA or contract examination. In other words, the provision would raise the limit before a second opinion is required.

Third, title III would extend VA's contract authority for alcohol or drug abuse treatment at various community-based treatment facilities through December 31, 1994. Under current law, this authority expires September 30, 1991.

Fourth, title III would extend VA's authority to make contracts to the Veterans Memorial Medical Center in the Philippines through September 30, 1992, and ratifies any VA actions that would have been authorized during the period October 1, 1990, through the date of enactment as if the extension had been enacted on October 1, 1990. Under current law, this authority expired on September 30, 1990.

Fifth, title III would require licensure, certification, or registration of social workers appointed to positions in VA facilities in States which regulate social workers. This provision would apply to new hires only. Under current law, there is no such requirement.

TITLE IV: REAL PROPERTY AND FACILITIES

Title IV of the bill would make four important administrative changes to increase VA's ability to serve veterans in the area of facilities.

First, title IV would authorize the Secretary to enter into long-term leases—35 years for new construction, 20 years otherwise—of VA properties to third parties if the Secretary determines that the proposed lease would provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and would be consistent with and not adversely affect that mission. This authority would expire on December 31, 1994. Under current law, VA may lease its property to a third party for no more than 3 years.

Second, title IV would generally authorize the Secretary to dispose of a leased property if the Secretary determines that the leased property isn't needed by VA, requests GSA to carry out a "special disposition," and gives the Veterans' Committees 90 days advance notice. Under current law, VA may not dispose of an interest in real estate greater than \$50,000 unless that disposition is listed in the President's budget.

Third, title IV would authorize the Secretary to acquire and use real property for VA purposes before title is approved by the Attorney General pursuant to 40 USC 255 and even though the property would be held in less than fee simple interest. This is similar to authority granted to the Department of Defense for certain construction in 10 USC 2852(b). I would note, Mr. President that, on July 24, 1991, the Attorney General delegated to VA, pursuant to 40 USC 255, the responsibility of the Attorney General to give written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States. It is my understanding that the Secretary will, subject to the provisions of this provision of H.R. 1047, continue to apply the appropriate regulations of the Attorney General.

Fourth, title IV would place the U.S. memorial known as Pershing Hall in Paris, France, under VA jurisdiction. Under this provision, the Secretary is to operate Pershing Hall to meet the needs of veterans, but can also enter into long-term leases for space therein. The provision would establish a "Pershing Hall Revolving Fund," from which certain expenses of operation could be paid.

TITLE V: MISCELLANEOUS

Finally, title V contains five miscellaneous provisions.

First, title V would authorize the Secretary to carry out a compensated work therapy and therapeutic transitional housing demonstration program in fiscal year 1991. Under Public Law 102-54, the program was not authorized to begin until fiscal year 1992. I would

like at this point to commend my good friend and predecessor as ranking minority member, Senator MURKOWSKI of Alaska, who has been such a champion of the compensated work therapy program. Indeed, it was Senator MURKOWSKI who first introduced legislation establishing this link between therapeutic housing and CWT in the last Congress. I am pleased to see his idea becoming a reality.

Second, title V would provide reinstatement eligibility for all applicable VA benefits for surviving spouses or children whose disqualifying marriages ended prior to November 1, 1990, and who do not remarry on or after that date. This ameliorates, Mr. President, the requirement in the Omnibus Budget Reconciliation Act of 1990 that surviving spouses and children must file claims prior to November 1, 1990, to maintain eligibility.

Third, title V would authorize the Secretary to (1) provide liability insurance for the National Academy of Sciences to cover any claim for money damages awarded in a legal challenge of its agent orange study pursuant to the Agent Orange Act of 1991, Public Law 102-4; (2) reimburse judgments in excess of \$10 million; and (3) extend, to two months after enactment of this provision, the time in which the Secretary must enter into his NAS contract. Under current law, there is no provision with respect to liability or insurance, and August 6, 1991, is the deadline for the contract. I would add, Mr. President, that the lawyers who serve on committee staff in both the Senate and House of Representatives are unaware of situations in which a recommendation by the National Academy of Sciences made pursuant to the Agent Orange Act of 1991 could result in a money judgment. That Act, Mr. President, represents an historic leap forward toward settling the agent orange controversy. I would urge NAS to move quickly to enter into its contract with VA.

Fourth, title V would authorize the Secretary to accept gifts, devises, and bequests which enhance the Secretary's ability to provide services and benefits. This is a useful expansion of the Secretary's current limited acceptance authority.

Fifth, title V would require that sums collected in connection with a debt associated with participation in the survivor benefit plan by a Coast Guard retiree through offsets of VA compensation or pension be deposited into the retired pay account of the Coast Guard. Under current law, all such funds are deposited into the DOD military retirement fund.

A lot of hard work has gone into this bill, Mr. President, both in this Congress and the last. I commend both Senate and House staff on their efforts. On the Senate side, our thanks go to Ed Scott, the Chief Counsel and Staff

Director; Bill Brew, the Committee's General Counsel; Michael Cogan, Associate Counsel; Scott Waitlevortch, minority professional staff member; Charles Battaglia, Minority Deputy Staff Director; and Tom Roberts, the Minority Chief Counsel and Staff Director. On the House side, we thank Mack Fleming, Chief Counsel and Staff Director; Pat Ryan, Deputy Chief Counsel; Carl Commenator, Minority Staff Director; and Kingston Smith, his deputy.

This bill, Mr. President, represents the usual—and extraordinary—bipartisan cooperation of both Senate and House. The provisions provide real service and relief for our nation's veterans. I urge my colleagues to support its passage.

Mr. GRAHAM. Mr. President, I rise in support of H.R. 1047, which the Senate passed last night, and particularly in support of section 502.

Prior to last November, veterans' survivors who remarried and then subsequently became single again were eligible for reinstatement of dependency and indemnity compensation [DIC] payments and other benefits. In an effort to reduce the Federal deficit, this reinstatement right was terminated as part of the Omnibus Budget Reconciliation Act of 1990.

Although the change in law does not affect any person currently receiving benefits, I am concerned that the effective date of the legislation was erroneously determined. The law denied benefits to anyone who would have become eligible this year without any advance notice being given of such a change.

I heard from a number of individuals in Florida and around the country who had planned their retirement income security on the promise that benefits would be reinstated should they be predeceased.

A number of veterans survivors had lost their second spouse just prior to the November 1, 1990 deadline, but unaware of the impending change in the law, did not contact the VA in time to be reinstated before the law changed.

On March 13, 1991, I introduced legislation (S. 659) that would change the effective date of the law from November 1, 1990 to November 1, 1991. This legislation has been endorsed by the National Military Family Association and the Retired Officers Association.

At a June 26, meeting of the Senate Veterans' Affairs Committee, the committee agreed to extend benefits to those survivors whose marriage terminated prior to November 1, 1990, but failed to file claims by that date for their DIC or other benefits. The committee did not act on my proposal to reinstate eligibility for all individuals who would have otherwise become eligible by November 1, 1991.

Although the committee was reluctant to support my original proposal

because of its costs, I am pleased that the committee took some remedial action with regards to the Omnibus Budget Reconciliation Act of 1990.

I encourage my colleagues to support the legislation now before the Senate as it contains provisions identical to those agreed to in the Senate Veterans' Affairs Committee.

Mr. President, it is my intention to continue to push the legislative goals of S. 659, and I would welcome the distinguished chairman of the committee's assistance in this regard.

Mr. President, I request unanimous consent to include in the RECORD a list of some of the organizations supporting S. 659.

GROUPS SUPPORTING S. 659

The Retired Officers Association.
Air Force Association.
Marine Corps League.
Non-Commissioned Officers Association.
Reserve Officers Association.
Association of the United States Army.
National Military Family Association.
Association of the Military Surgeons of the United States.
National Association for Uniformed Officers.
Air Force Sergeants Association.
The Retired Enlisted Association.
CWO & WO Association, USCG.
United States Army Warrant Officers Association.
United States Coast Guard CPO Association.
Fleet Reserve Association.
Marine Corps Reserve Officers Association.
Navy League of the United States.
Naval Reserve Association.
Commissioned Officers Association.
Naval Enlisted Reserve Association.
AMVETS National Headquarters.
Enlisted Association of the National Guard of the U.S.
The Military Chaplains Association.
Society of Medical Consultants to the Armed Forces.
National Guard Association of the United States.
Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am very pleased that the Senate is about to act on H.R. 1047, as it will be amended by an amendment that I am proposing. The provisions of this bill, with a few exceptions, originally were considered in the 101st Congress as a part of H.R. 5326, the proposed Veterans' Compensation Amendments of 1990, as passed by the House on October 15, 1990, and S. 2100, the proposed Veterans Benefits and Health Care Amendments of 1990, as reported by the Senate Committee on July 19, 1990, but not voted upon by the Senate. As my colleagues know, I made great efforts before the end of the last Congress to have the Senate consider S. 2100, an omnibus veterans bill that contained several provisions related to veterans' benefits and services. Unfortunately, the Senate was blocked from considering S. 2100.

H.R. 1047 is the last of the carryover measures from the legislation that was not enacted in the 101st Congress.

Mr. President, this measure makes several improvements in the veterans' compensation and insurance programs and includes provisions affecting VA medical care and VA's use of real property. The House passed H.R. 1047 by a unanimous vote on April 9, 1991, and I hope the Senate shortly will do the same. The provisions in the compromise agreement will make significant improvements in veterans' programs. Because the details of this measure are described in an explanatory statement that was developed with our colleagues on the House Veterans' Affairs Committee, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, and I will just summarize the provisions of the bill and comment on a few of the provisions.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

SUMMARY OF PROVISIONS

Mr. CRANSTON. Mr. President, H.R. 1047, as it will be amended by the compromise agreement, contains five titles as follows:

Title I, entitled "Compensation and Pension," contains provisions that would:

First, increase to \$90 a month the limit on the amount of needs-based pension that VA may pay to certain veterans who have been readmitted to VA domiciliary care or nursing home. This provision, retroactive to February 1, 1990, would apply to a veteran without dependents who is readmitted to a nursing-home or domiciliary facility within 6 months after a period of care that lasted at least 2 full calendar months.

Second, authorize the Secretary to pay parents' dependency and indemnity compensation less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate allowed under current law.

Third, prohibit disability-rating reductions based on a change in evaluation methods or standards in VA's rating schedule, unless the veteran's disability has improved.

Fourth, expand the presumption of service-connection for certain radiation-related cancers of veterans to include reservists who served on active duty for training or inactive duty training during on-site participation in a nuclear weapons test.

Fifth, extend the latency-period limitation—the time after exposure to radiation by which a disease must appear in order to be presumed to be service-connected—for leukemia from 30 years to 40 years, treating it in a manner comparable to the other radiation-related cancers listed in current law.

Title II, entitled "Life Insurance Provisions," contains provisions that would:

First, extend from 1 year to 2 years the time period following a determina-

tion of service-connection during which a veteran may apply for Service Disabled Life Insurance [SDVI] and extend from 1 year to 2 years the time periods which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

Second, require that payments of SDVI be made in a lump sum and that, in a case in which monthly payments had commenced prior to the date of enactment, the Secretary pay the remaining balance in one lump sum.

Third, establish a 1-year period, beginning on September 1, 1991, during which veterans with accumulated National Service Life Insurance [NSLI] dividends on account could use the dividends to purchase additional amounts of paid up NSLI and also would authorize the Secretary to provide for additional one-year open seasons.

Title III, entitled "Health-Related Provisions," contains provisions that would:

First, authorize outpatient dental care that is medically necessary to prepare a veteran for hospital admission.

Second, increase from \$500 to \$1,000 the amount that a fee-basis dentist can charge VA for dental services without VA first obtaining a second opinion as to the need to provide such services.

Third, require that for an individual to be appointed as a social worker in the Veterans Health Administration the individual must possess a master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the State in which the individual is to be employed. These requirements would apply only to newly hired social workers and would not affect individual social workers currently employed by VA.

Fourth, extend for 1 year, through fiscal year 1992, VA's authority to provide contract care to United States veterans in the Veterans Memorial Medical Center in the Republic of the Philippines.

Title IV, entitled "Real Property and Facilities," contains provisions that would:

First, establish a pilot program under which VA would be authorized, under certain circumstances, to enter into enhanced-use leases with respect to VA property and to provide for the special disposition of the leased property.

Second, provide for the transfer to VA of Pershing Hall, an existing United States memorial in Paris, France.

Third, authorize VA to acquire real property to establish regional offices, field offices, or medical centers before the title to the property is approved by the Attorney General and even though the property would be held in other than fee simple interest in cases in

which the Secretary decides that the interest to be acquired is sufficient for the purposes of the intended use.

Title V, entitled "Miscellaneous," contains provisions that would:

First, authorize a demonstration program linking compensated work therapy programs with therapeutic transitional housing to begin in fiscal year 1991, rather than in fiscal year 1992.

Second, modify section 8004 of the Omnibus Budget Reconciliation Act of 1990 to reinstate eligibility for all applicable VA benefits for formerly remarried surviving spouses or formerly married children whose disqualifying marriages ended by death or divorce before November 1, 1990, and who do not remarry or enter into an apparent marriage thereafter.

Third, authorize VA to provide liability insurance and certain other financial protections to the National Academy of Sciences, or an alternative contract scientific organization, to cover any claim for money damages awarded in a lawsuit that might arise out of NAS's role in carrying out the scientific review required under the Agent Orange Act of 1991.

Fourth, provide VA with expanded authority to accept gifts, devises, and bequests that will enhance VA's ability to provide services or benefits.

Fifth, require that funds collected after September 30, 1991 from current or former Coast Guard members through offset of compensation or pension be deposited in the retired pay account of the U.S. Coast Guard.

DISCUSSION

Mr. President, this bill as I am proposing it be amended represents a compromise between the Senate and House Committees on Veterans' Affairs on several issues carried over from the 101st Congress, on which we were unable to vote last year due to the Senate being blocked from considering the committee-reported, omnibus veterans' legislation, S. 2100.

The amended bill also would include provisions that address noncontroversial issues requiring immediate action.

RADIATION PROVISIONS

Mr. President, the radiation provisions in this bill are a compromise on provisions originally included in S. 2556, the proposed Radiation-Exposed Veterans Compensation Amendments of 1990, which later were incorporated into S. 2100 as reported by our committee. My statements on those bills can be found in the RECORD of Tuesday, May 1, 1990, beginning on page S5491, and Wednesday, October 10, 1990, beginning on page S14874.

The radiation provisions in sections 103 and 104 of this compromise would amend the 1988 law, Public Law 100-321, that established a presumption of service-connection for certain cancers in veterans who participated on site in the nuclear weapons test program or as part of the U.S. occupation forces in

Hiroshima or Nagasaki. These provisions in the bill would extend the latency-period limitation for leukemia from 30 to 40 years and expand the presumption of service connection to include reservists who were serving on active duty for training or inactive duty training when they participated in a radiation-risk activity and who contract one of the specified cancers.

Mr. President, although sections 103 and 104 make important and necessary changes to current law, they do not go far enough. Last month, our committee included the additional radiation-related provisions from last year's reported version of S. 2100 in S. 775, the proposed Veterans Service-Connected Compensation Cost of Living Adjustment Act of 1991. S. 775 would add two new cancers to the service-connected diseases listed in current law, eliminate all latency-period limitations, and establish a mechanism to examine military activities that involved radiation but are not considered radiation-risk activities under current law. When the Senate considers S. 775, I will propose to delete the provision in that bill that duplicates the reservist provision in the pending bill, if it is enacted in by then. In this regard, I want to make clear that I am supporting the radiation provisions of the pending bill only as an interim compromise. I will continue to seek quick enactment of the radiation provisions in S. 775.

SURVIVORS' BENEFITS

Mr. President, the provisions in this compromise that address VA benefits for formerly remarried surviving spouses and formerly married children would correct an inequity in one of the provisions we were forced to enact as part of the deficit-reduction package last year, the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508. That law repealed a provision in title 38 that reinstated eligibility for VA survivors' benefits for remarried spouses or married children whose subsequent marriages ended by death or divorce. The repeal of this reinstatement right did not apply to any claim filed before November 1, 1990, by a person who qualified at the time of the claim under the pre-OBRA definitions of a surviving spouse or child.

Committee members Senators GRAHAM and MITCHELL, and many veterans' spouses who have written to me have identified a fundamental inequity in the application of the OBRA provision.

Since that provision was based on when a person filed a claim for a particular benefit, it has resulted in certain individuals being considered surviving spouses for the purposes of one VA benefit, but not for purposes of others for which they apply later.

For example, some surviving spouses who had remarried and whose second marriage had ended successfully qualified for DIC by filing applications prior to November 1, 1990, but later were

turned down for survivors' health care benefits under the Civilian Health and Medical Program of VA. Similar situations could arise in post-OBRA claims for needs-based pension, education benefits, VA home-loan guaranties, and burial benefits.

Clearly, the Congress did not intend this result.

The provision in the pending measure would correct this inequity by basing the effective date of the OBRA provision on whether the disqualifying marriage ended before November 1, 1990, regardless of when the spouse files a claim for a particular survivors benefit.

The provision is substantively identical to one offered as an amendment to S. 775 by Senator GRAHAM at the committee's June 26 markup. That amendment was adopted unanimously. When the Senate considers S. 775, I will propose to delete that provision if it is enacted in this bill.

SCIENTIFIC REVIEW UNDER THE AGENT ORANGE ACT

Mr. President, the Agent Orange Act of 1991, Public Law 102-4, which was enacted on February 6, 1991, represented a historic compromise among those who have had strong differences of opinion about compensation for, and the study of diseases possibly related to exposure to agent orange in Vietnam. As chairman of the Committee on Veterans' Affairs and the author or a coauthor of every major agent orange bill that Congress has considered over the past 12 years, I can attest to the great significance of that legislation.

The centerpiece of the Agent Orange Act is a study of the effects of exposure to herbicides that we intended the National Academy of Sciences to conduct. Under this provision, the Secretary of Veterans Affairs was to seek to enter into a contract with NAS within 2 months after the date of enactment of Public Law 102-4, under which NAS would review scientific information regarding the health effects of exposure to agent orange and other herbicides used in Vietnam. The law provides that, if VA is unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

Unfortunately, despite significant contacts prior to enactment of the Agent Orange Act among congressional, VA, and NAS representatives—and an understanding among them that a contract between VA and NAS could be concluded within the 2 month period contemplated by the act—NAS thus far has refused to sign a contract because of NAS officials' concerns about potential liability in connection with the agent orange study.

Mr. President, I am sensitive to the concerns of NAS about the cost of litigation and I am aware of the right we

all have to sue. In fact, during the meetings prior to enactment of the Agent Orange Act, it was openly discussed how controversial and litigious the agent orange issue has been, yet NAS did not raise the concerns that form the basis for its current refusal to conduct the study.

The real issue behind NAS's concerns about litigation is not whether NAS can be sued—we all know that someone could file suit—but what is the potential for monetary damages. I cannot envision a scenario under which a plaintiff could succeed in obtaining monetary damages from NAS. At my request, the Congressional Research Services analyzed the likelihood of a successful suit against NAS, and the damages a court might award, in connection with the study. The CRS report stated, "It would seem theoretically possible for the Academy to be held liable * * *. However, the actual possibility of such liability being imposed would seem remote."

Mr. President, this measure addresses NAS's concerns by authorizing the Secretary to provide liability insurance and indemnification for NAS, or the alternative contract organization, to cover any claim for money damages awarded in a legal challenge of the study. NAS has indicated that it can supplement its existing \$5 million general liability insurance policy with an additional \$5 million coverage at a reasonable cost. The Secretary also would have authority to reimburse reasonable attorneys' fees, incidental expenses, and any part of a judgment that is not covered by insurance.

Also, because we have passed the deadline in Public Law 102-4 by which the Secretary must seek to enter into a contract with an alternative scientific organization, the bill would extend these dates to reflect the other modifications. Specifically, the bill would change the period from 2 months after enactment of the Agent Orange Act to 2 months after the enactment of this measure.

The Senate and House Committees expect that the enactment of this provision will enable VA and NAS quickly to conclude the contract contemplated by the Agent Orange Act.

CONCLUSION

Mr. President, in closing, I express my deep appreciation to the distinguished ranking minority member of the Senate Committee, Mr. SPETER, and the chairman and ranking minority members of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, for their cooperation and contributions to this measure.

Mr. President, I also recognize the committee staff members who worked on this legislation and thank them for their efforts: on the minority staff, Scott Waitlevertch, Charlie Battaglia, Carrie Gavora, Yvonne Santa Ana, and Tom Roberts, and on the majority

staff, Kimberly Morin, Neil Koren, Michael Cogan, Thomas Tighe, Shannon Phillips, Chuck Lee, Janet Coffman, Susan Thaul, Bill Brew, and Ed Scott.

I also note the fine work of the staff of the House Committee on Veterans' Affairs—in this case, John Brizzi, Kingston Smith, Carl Commenorator, Pat Ryan, and Mack Flemming.

Mr. President, I also want to thank the staff of the two Offices of Legislative Counsel, Charlie Armstrong and Greg Scott in the Senate, and Bob Cover in the House. They provided their usual excellent assistance as we prepared this legislation.

Mr. President, this legislation makes necessary and reasonable modifications to veterans programs. I urge the Senate to give its unanimous approval to this measure.

Mr. President, I ask unanimous consent that the explanatory statement to which I referred earlier, which takes the place of a joint explanatory statement that would accompany this measure if it were a conference report, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 2.)

EXHIBIT 1

SUMMARY OF PROVISIONS OF AMENDMENT TO H.R. 1047

TITLE I—COMPENSATION AND PENSION PROGRAMS

1. Increases from \$60 to \$90 a month the limit on the amount of needs-based pension that VA may pay to certain veterans who have been readmitted to VA domiciliary or nursing-home care.

2. Authorizes VA to pay parents' dependency and indemnity compensation less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate allowed under current law.

3. Prohibits disability-rating reductions based on a change in evaluation methods or standards in VA's rating schedule, unless the veteran's disability was improved.

4. Expands the presumption of service-connection for certain radiation-related cancers listed in current law, to include reservists who served on active duty for training or inactive duty training during on-site participation in a nuclear weapons test.

5. Extends from 30 years to 40 years the time after exposure to radiation from a nuclear detonation by which leukemia must be manifest in order to be considered service connected.

TITLE II—LIFE INSURANCE PROGRAMS

1. Extends from 1 year to 2 years the time period following a determination of service-connection during which a veteran may apply for Service Disabled Life Insurance (SDVI) and extend from 1 year to 2 years the time periods which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

2. Requires that payments of SDVI be made in a lump sum and that, in a case in which monthly payments had commenced prior to the date of enactment, the Secretary pay the remaining balance in one lump sum.

3. Establish a 1-year period, beginning on September 1, 1991, during which veterans

with accumulated National Service Life Insurance (NSLI) dividends on account could use the dividends to purchase additional amounts of paid up NSLI and also would authorize the Secretary to provide for additional 1-year open seasons.

TITLE III—HEALTH-RELATED PROVISIONS

1. Authorizes outpatient dental care that is medically necessary to prepare a veteran for hospital admission.

2. Increases from \$500 to \$1,000 the amount which a fee-basis dentist can charge VA for dental services without VA first obtaining a second opinion as to the need to provide such services.

3. Requires that, for an individual to be appointed as a social worker in the Veterans Health Administration, the individual must possess a master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the State in which the individual is to be employed.

4. Extends for one year, through FY 1992, VA's authority to provide contract care to United States veterans in the Veterans Memorial Medical Center in the Republic of the Philippines.

TITLE IV—REAL PROPERTY AND FACILITIES

1. Establishes a pilot program under which VA would be authorized, under certain circumstances, to enter into "enhanced-use" leases with respect to VA property and to provide for the special disposition of the leased property.

2. Provides for the transfer to VA of Pershing Hall, an existing United States memorial in Paris, France, and authorize VA to administer, operate, develop, and improve Pershing Hall and its site, which may include using the facility to meet the needs of veterans.

3. Authorizes VA to acquire real property to establish regional offices, field offices, or medical centers before title is approved by the Attorney General, and even though the property would be held in other than a fee simple interest, if the Secretary decides that the interest to be acquired is sufficient for the purposes of the intended use.

TITLE V—MISCELLANEOUS

1. Authorizes a demonstration program linking compensated work therapy programs with therapeutic transitional housing to begin in fiscal year 1991, rather than in fiscal year 1992.

2. Modifies section 8004 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, to reinstate eligibility for all applicable VA benefits for formerly remarried surviving spouses or formerly married children whose disqualifying marriages ended by death or divorce before November 1, 1990, and who do not remarry or enter into an apparent marriage thereafter.

3. Authorizes VA to provide liability insurance and other financial protections to the National Academy of Sciences (or an alternative contract scientific organization) to cover any claim for money damages awarded in a lawsuit that might arise out of NAS's role in carrying out the scientific review required under the Agent Orange Act of 1991, Public Law 102-4.

4. Provides VA with expanded authority to accept gifts, devises, and bequests that will enhance VA's ability to provide services or benefits.

5. Requires that funds collected after September 30, 1991, from current or former Coast Guard members through offset of compensation or pension be deposited in the Retired Pay Account of the U.S. Coast Guard.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

The amendment (No. 841) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1047), as amended, was passed.

EXHIBIT 2

EXPLANATORY STATEMENT ON H.R. 1047, THE PROPOSED "VETERANS' BENEFITS IMPROVEMENTS ACT OF 1991"

H.R. 1047, as passed by the House of Representatives on April 11, 1991, and amended by the Senate, the proposed "Veterans' Benefits Improvement Act of 1991," reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered, but not enacted, in the Senate and the House of Representatives during the 101st Congress. These are H.R. 5326, the proposed "Veterans Compensation Amendments of 1990," and H.R. 5740, the proposed "Veterans' Health Care Amendments to 1990," which the House passed on October 15, 1990, and S. 2100, the proposed "Veterans Benefits and Health Care Amendments of 1990" (hereinafter referred to as the "Senate bill"), which the Senate Committee reported on July 19, 1990, but was not considered by the Senate prior to the end of the 101st Congress.

The Committees have prepared the following explanation of H.R. 1047. Differences between the provisions contained in H.R. 1047 as passed by the House and amended by the Senate (hereinafter referred to as "Compromise agreement") and the Senate and House provisions on which they are based are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

TITLE I—COMPENSATION AND PENSION PROGRAMS

Pension benefits for institutionalized veterans

Current law: Subparagraphs (A) and (B) of section 5503(a)(1) of title 38, United States Code, limit the amount of needs-based pension that VA may pay to a veteran who has no dependents and is being furnished domiciliary or nursing-home care by VA for more than three full calendar months. Subparagraph (C) of section 5503(a)(1) limits the amount paid to such a veteran receiving such care for more than one full calendar month if the veteran was readmitted to a VA nursing-home or domiciliary care facility within six months after a previous period of care that resulted in a reduction of pension under subparagraph (A) or (B). Section 111 of Public Law 101-237 increased the maximum pension payment from \$60 a month to \$90 under subparagraphs (A) and (B) of section 5503(a)(1) but, by inadvertence, a conforming change was not made in subparagraph (C).

House bill: Section 201(a) of H.R. 5326 would have amended section 5503(a)(1)(C) of title 38 to increase from \$60 to \$90 the maximum

monthly pension payable thereunder the veterans readmitted to VA nursing-home or domiciliary care. This provision would have taken effect as if the amendment had been included in section 111 of Public Law 101-237.

Senate bill: No provision.

Compromise agreement: Section 101 follows the House provision.

Frequency of payment of parents' DIC

Current law: Section 415(a) of title 38 provides that dependency and indemnity compensation (DIC) shall be paid monthly to certain, low-income parents of a veteran who died from a service-connected condition.

House bill: Section 203 of H.R. 5326 would have authorized the Secretary to pay parents' DIC benefits less frequently than once a month if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under section 415 of title 38.

Senate bill: No provision.

Compromise agreement: Section 102 follows the House provision.

Preservation of ratings when changes made in rating schedules

Current law: Under section 355 of title 38, the Secretary of Veterans Affairs is required to "adopt and apply a schedule of ratings of reductions in earning capacity" resulting from specific disabilities. The schedule must provide eleven grades of disability, from zero percent to 100 percent, on which to base payment of disability compensation. The schedule of ratings, which appears in part 4 of title 38 of the Code of Federal Regulations, provides very specific, detailed rules for evaluating disabilities and assigning percentage ratings. Section 355 also requires that the Secretary "from time to time readjust this schedule of ratings in accordance with experience."

An October 27, 1988, opinion of the VA General Counsel (Op. G.C. 11-88) held that, when the schedule is adjusted, VA lacks the authority "to protect ratings assigned under superseded criteria."

House bill: Section 205 of H.R. 5326 would have prohibited rating reductions based on a change in evaluation methods or standards of the VA disability rating schedule unless the veteran's disability had improved.

Senate bill: Section 102 is substantively identical to the House provision, except that it would have authorized, rather than required, prospective-only application of changes in the disability rating schedule.

Compromise agreement: Section 103 follows the House provision.

Presumptive period for occurrence of leukemia in veterans exposed to radiation

Current law: Section 312(c)(3) of title 38 provides presumptions of service connection for specific diseases that appear within specified time periods after the last date on which the veteran participated in a radiation-risk activity. The general presumptive period in this section is 40 years; in the case of leukemia (other than chronic lymphocytic leukemia), the period is 30 years.

House bill: Section 206 of H.R. 5326 would have increased the limitation in the case of leukemia to 40 years.

Senate bill: Section 112 would have eliminated all latency-period limitations in section 312(c).

Compromise agreement: Section 104 follows the House provision.

Presumption of Service-Connection for Certain Radiation-Exposed Reservists

Current law: Section 312(c) of title 38 provides presumptions of service-connection for

certain diseases of veterans who participated on-site in a radiation-risk activity while serving on active duty, but not for reservists and National Guard members whose on-site participation in a radiation-risk activity occurred while they were serving on active duty for training or inactive duty training.

House bill: Section 207 of H.R. 5326 would have expanded the presumptions of service-connection for radiation-exposed veterans to cover individuals who were serving on active duty for training or inactive duty training while participating on-site in a radiation-risk activity. The resulting presumptions of service-connection would apply with respect to only compensation, dependency and indemnity compensation, health-care services, burial benefits, and survivors' educational assistance.

Senate bill: Section 111 was substantively identical to the House provision except that the presumptions would have applied with respect to all title 38 benefits based on service-connection.

Compromise agreement: Section 105 follows the Senate bill.

TITLE II—LIFE INSURANCE PROGRAMS

National Service Life Insurance Program

Current law: Section 722(a) of title 38 requires VA to provide \$10,000 in Service Disabled Life Insurance (SDLI) at standard rates to a veteran released from active duty after April 24, 1951, who has a service-connected disability rated at 10 percent or more that renders the veteran uninsurable. To qualify, the veteran must apply for the policy within one year from the date that service-connection of the disability is determined by VA.

Section 72(a) of title 38 provides that payment of premiums on insurance may be waived during the continuous total disability of the insured, which continues or has continued for 6 or more consecutive months, if that disability began (1) after the date of the insured's application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) before the insured's sixty-fifth birthday.

Section 722(b)(1) provides that, in the case of a veteran who (1) the Secretary determines was mentally incompetent from service connected disability (A) at the time of release from active service, (B) during any part of the 1-year period from the date of service connection of a disability is first determined, or (C) after release from active service but are not rated service-connected until after death; and (2) remained continuously mentally incompetent until death; and (3) died before the appointment of a guardian or within 1 year after the appointment of a guardian, the veteran will be deemed to have applied for and been granted SDVI, as of the date of death, in an amount which, together with any United States Government or National Service Life Insurance aggregates \$10,000.

House bill: Section 9(b) of H.R. 1047 as passed by the House on April 11, 1991, would amend section 722 so as to (a) extend from 1 year to 2 years the time period following a determination of service connection during which a veteran may apply for SDVI; and (b) extend from 1 year to 2 years the time periods, noted above, which determine when a veteran who is mentally incompetent from a service-connected disability will be deemed to have applied for and been granted SDVI.

Senate bill: Section 501 would (a) provide supplemental coverage at standard premiums, of up to an additional \$10,000 in SDVI to certain veterans who are eligible for a waiver of premiums due to total disability,

and (b) specify that a veteran not currently eligible for waiver of premiums of SDVI would have a year, upon notification of eligibility, to apply for the supplemental coverage.

Compromise agreement: Section 201 follows the House bill and provides that the amendment would be effective as of September 1, 1991.

Payment of Service Disabled Veterans' Life Insurance in Lump Sum

Current law: Section 722(b)(4) of title 38 provides that SDVI payments to a beneficiary of a veteran who was mentally incompetent from service-connected disabilities and died without applying for SDVI must be made by a minimum of 120 equal monthly payments.

House bill: Section 10 of H.R. 1047 as passed by the House on April 11, 1991, would require that payments of SDVI under section 722(b)(4) be made in a lump sum and that, in a case in which monthly payments had commenced prior to the date of enactment, the Secretary pay the remaining balance in one lump sum.

Senate bill: No provision.

Compromise agreement: Section 202 follows the House provision.

Open Season for Use of Dividends to Purchase Additional Insurance

Current law: Under subchapter 1 of chapter 19 of title 38, VA administers the National Service Life Insurance (NSLI) program, which is generally for World War II veterans. Section 707(c) authorized VA, upon application made in writing by an insured before February 1, 1973, to apply any NSLI dividend credits and deposits to purchase paid up insurance.

House bill: Section 11 of H.R. 1047 as passed by the House on April 11, 1991, would establish a 1-year period beginning on July 1, 1991, during which veterans with accumulated dividends on account could use the dividends to purchase additional amounts of paid up life insurance and also would authorize the Secretary to provide for additional 1-year open seasons.

Senate bill: No provision.

Compromise agreement: Section 203 follows the House provision.

TITLE III—HEALTH-RELATED PROVISIONS

Eligibility for Outpatient Dental Care

Current law: Under section 612(b)(1) of title 38, outpatient dental services may be furnished for only (a) a condition that is service-connected and compensable in degree; (b) a service-connected condition that is not compensable in degree in the cases of certain recently discharged veterans or of former prisoners of war or if the condition is due to combat wounds or other service trauma; (c) a condition that is associated with and aggravating a disability that was incurred in or aggravated by active-duty service; (d) a condition for which treatment was begun while the veteran was receiving inpatient care and for which outpatient services are necessary to complete the treatment; or (e) a condition of a veteran who either has a service-connected disability rated as total or is a former prisoner of war who was detained or interned for a period of not less than 90 days.

House bill: No provision.

Senate bill: Section 212 would authorize VA to provide medically necessary outpatient dental care in preparation for inpatient admission or to a veteran otherwise receiving VA medical care.

Compromise agreement: Section 301 follows the Senate bill.

Requirement for Second Opinion for Fee-Basis Outpatient Dental Care Reimbursement

Current law: Section 612(b)(3) of title 38 provides that the total amount which VA may expend during any twelve-month period for contract outpatient dental services for an individual veteran may not exceed \$500, unless the Secretary determines prior to the furnishing of such services that, based on an examination of the veteran by a VA dentist (or, where a VA dentist is not available, a contract or fee-basis dentist), the furnishing of the services at a cost in excess of \$500 is reasonably necessary.

House bill: No provision.

Senate bill: Section 228 would increase from \$500 to \$1,000 the amount that VA may expend during any twelve-month period for the furnishing of outpatient dental services to a veteran under a contract or fee-basis arrangement without requiring the determination of the necessity for the services at that cost based on a VA (or contract) examination.

Compromise agreement: Section 302 follows the Senate provision.

Extension of Contract Authority for Alcohol or Drug Abuse Treatment

Current law: Under section 620A of title 38, VA is authorized to contract for care and treatment and rehabilitative services at various community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or disabilities. This authority expires on September 30, 1991.

House bill: No provision.

Senate bill: Section 214 would have made permanent VA's contract authority for alcohol or drug abuse treatment.

Compromise agreement: Section 303 would extend this contract authority through December 31, 1994.

Extension of Authority to Make Contracts to the Veterans Memorial Medical Center, Republic of the Philippines

Current law: Section 632 of title 38(a) permitted the President, through September 30, 1990, to authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center (VMMC) in Manila under which (1) the United States was required to provide for payments for hospital care and medical services (including nursing home care) in the VMMC, as authorized by section 624 of title 38 and on the terms and conditions set forth in that section, to eligible United States veterans, and (2) the payments could consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the VMMC; and (b) authorized annual appropriations of \$1 million; through FY 1990, to be used for making grants to the VMMC to assist in replacing and upgrading equipment and in rehabilitating the physical plant and facilities of the VMMC. In Public Law 101-507, Congress appropriated \$484,000 for FY 1991 for such grants.

House bill: Section 104 of H.R. 5740 would have extended for one year, through September 30, 1991, VA's authority to contract with the VMMC to provide medical care to eligible United States veterans and the authorization of annual appropriations of \$1 million for grants to the VMMC.

Senate bill: Section 215 would (a) have extended for five years, through September 30, 1995, VA's authority to contract with the VMMC and the authorization of appropriations of \$1 million for grants to the VMMC, and (b) have earmarked \$50,000 of the annual appropriation for education and training of VMMC personnel.

Compromise agreement: Section 304 would extend through September 30, 1992, VA's au-

thority to contract with the VMMC for the care of United States veterans and ratify any VA actions that would have been authorized during the period of October 1, 1990, through the date of enactment if the extension had been acted on October 1, 1990.

Educational and Licensure Requirements for Social Workers

Current law: There are no provisions in current law imposing educational licensure requirements for VA social workers.

House bill: Section 201 of H.R. 5740 would have required that an individual to be appointed as a social worker in the Veterans Health Administration possess a Master's degree in social work from an approved college or university and meet the licensure, certification, or registration requirements of the state in which the individual is to be employed. These requirements would have applied only to newly hired social workers and would not affect individual social workers currently employed by VA.

Senate bill: Section 250 was substantively identical to the House bill.

Compromise agreement: Section 305 contains this provision.

TITLE IV—REAL PROPERTY AND FACILITIES
Enhanced-Use Leases and Special Disposition of Property
Lease Authority

Current law: Under section 8122 of title 38, VA may lease its property to a third party for no more than three years.

House bill: No provision.

Senate bill: Section 704 would have established a 4-year (FYs 1991-94) "enhanced-use lease" pilot program under which VA would have been able to enter into extended leases of VA-owned properties and accept in-kind consideration in lieu of or in combination with cash if (1) the Secretary determined that the proposed lease would provide a cost-effective means of carrying out or providing appropriate space for an activity contributing to the VA mission and will be consistent with and not adversely affect that mission; (2) selection of the lessee was made pursuant to competitive procedures prescribed after consultation with the Administrator of General Services; (3) the term of the lease did not exceed (A) 35 years if construction of a new building or the substantial rehabilitation of an existing building was involved, or (B) 20 years otherwise; (4) a local public hearing was conducted regarding the proposed lease after prescribed notice was given; (5) the Secretary provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register advance notice of VA's intention to designate the property for an enhanced-use lease (with the deadline for the notice being not less than 90 days before entering into the lease if notice was given in the first three months of a calendar year or not less than 180 days before the lease was entered into if notice was given at any other time); (6) a second, updated notice containing a cost-benefit analysis was provided to the Committees not less than 30 days before the lease is entered into; and (7) copies of the proposed lease were provided to the Committees not less than 10 days before the lease was entered into.

The use of this extended lease authority with regard to certain VA properties in Southern California would have been prohibited unless (1) the lease was specifically authorized by law; or (2)(A) the property was used solely for child-care services that were provided exclusively for the benefit of VA employees, individuals employed on the premises of the land, and employees of

schools affiliated with VA health-care facilities, and (B) the majority of employees benefited by the service were employed by the Department and the majority of children served were children of VA employees.

Funds received by VA under an enhanced-use lease would have been deposited in VA's Nursing Home Revolving Fund. Any authority for the Secretary to make cash payments to a lessee under an enhanced-use lease would have been required to be provided for in advance in an appropriation Act.

Construction standards for Federal buildings would have applied to construction under an enhanced-use lease. VA's interest in an enhanced-use lease would have been exempt from State and local taxes.

The number of enhanced-use leases would have been limited to not more than 30 under the pilot program and not more than 10 in any fiscal year, not counting any lease the primary purpose of which is the provision of child-care services for VA employees.

Compromise agreement: Section 401 follows the Senate bill, except that (1) the authority to enter into an enhanced-use lease would take effect on the date of enactment and expire December 31, 1994; (2) the Secretary would not be required to consult with the Administrator of General Services before establishing procedures for the competitive selection of lessees; (3) the local public hearing would consider the proposed designation and the uses to be made of the property under a lease of the general character then contemplated, rather than the proposed lease; (4) the deadline for the first notice to the Committees, and the Federal Register notice, of intention to designate the property for an enhanced-use lease would be not less than 60 days of continuous session of Congress before the lease is entered into; (5) the second notice to the Committees would be due not less than 30 calendar days before the lease is entered into; (6) the requirement for submission of a copy of a proposed lease to the Committees 10 days before the lease is entered into is deleted; (7) VA payments to the lessee for the use of space or services could be made without being expressly provided for in an appropriations Act as long as they are made out of funds appropriated for the activities using the space or services; and (8) the number of enhanced-use leases would be limited to 20.

Special Disposition of Property

Current law: Under section 8122 of title 38, the Secretary may not during any fiscal year transfer to another federal agency or to a State an interest in real property that has an estimated value in excess of \$50,000 unless (1) the transfer (as proposed) was described in the budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, and (2) VA receives compensation equal to the fair market value of the property.

The Secretary may, without regard to the above restrictions, transfer property to a State for use as the site of a State home nursing-home or domiciliary facility if (1) the Secretary has determined that the State has provided sufficient assurance that it has the resources necessary to construct and operate the facility, and (2) the transfer is made subject to the condition that, if the property is used at any time for any other purpose, all right, title, and interest in and to the property will revert to the United States.

House bill: No provision.

Senate bill: Section 704 would have authorized the special disposition of a leased property (for cash or other such consideration as the Secretary and the Administrator of Gen-

eral Services jointly determined was in the best interest of the United States) if (1) during the term of the lease or within 30 days after its expiration, the Secretary determined that the leased property was not needed by VA and initiated action for the disposal to the lessee, (2) the Administrator of General Services was requested to carry out a special disposition, and (3) 90 days advance notice was provided to the Congressional Committees on Veterans' Affairs and published in the Federal Register. Funds from a special disposition, minus expenses incurred by the General Services Administration in disposing of the property, would have been deposited in VA's Nursing Home Revolving Fund.

Compromise agreement: Section 401 follows the Senate provision, with the additional requirement that the Secretary determine that disposition of leased properties under this new authority, rather than under section 8122, is in the best interest of the Department.

Acquisition of Real Property

Current law: Under sections 230 and 1006 and subchapter I of chapter 81 of title 38, the Secretary may establish regional offices and other field offices and acquire lands or interests in land needed for national cemeteries or medical facilities.

Under section 255 of title 40, United States Code, public money may not be expended for the purchase of land or any interest in land unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired. The Attorney General may delegate approval responsibility under this section to other departments and agencies, subject to the general supervision by and in accordance with regulations promulgated by the Attorney General.

House bill: Section 305 of H.R. 2280 as passed by the House on June 25, 1991, would authorize the Secretary to acquire and use real property for the purposes of sections 230 and 1006 and subchapter I of chapter 81 of title 38 (1) before the title to the property is approved by the Attorney General, and (2) even though the property would be held in other than fee simple interest if the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use.

Senate bill: No provision.

Compromise agreement: Section 402 follows the House provision.

Pershing Hall, Paris, France

Current law: No provision.

House bill: H.R. 154 as passed by the House on February 5, 1991, which was derived from H.R. 5506 as passed by the House on October 18, 1990, would place under VA jurisdiction, custody, and control an existing United States memorial, known as Pershing Hall, that was erected in Paris, France, for the use and benefit of American officers and enlisted personnel who served in World War I. The Secretary would be required to administer, operate, develop, and improve Pershing Hall in such manner as the Secretary determines appropriate to meet the needs of veterans (including maintaining an office to disseminate information), respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits. Also, the Secretary would be required, after consultation with the American Battle Monuments Commission, to provide for a portion of Pershing Hall to be dedicated as a memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expedi-

tionary Forces in France during World War I. That memorial would be established and supervised by the Commission.

The Secretary would be authorized to enter into agreements for the operation, development, and improvement of Pershing Hall, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated, or 20 years in other areas of the Hall. Consideration for the leases would be in the form of cash or in-kind, or a combination, and would include the value of space leased back to VA, not of rent paid by VA. The Secretary would not be authorized to enter into a lease until the expiration of 60-day period of continuous session of Congress following the date of submission of the proposed lease to the Senate and House Committees on Veterans' Affairs.

This section would establish the Pershing Hall Revolving Fund (PHRF) to be administered by the Secretary, into which would be transferred (1) at such times and in such amounts as determined by the Secretary, up to \$1,000,000 in total from funds appropriated to the Department for the construction of major projects, (2) the present balance of the Pershing Hall Memorial Fund, which would be abolished, and (3) proceeds from the operation of Pershing Hall or from any lease or agreement involving Pershing Hall. The Secretary would be required to reimburse funds transferred from the major construction account promptly from other funds as they become part of the PHRF. The Secretary of the Treasury would be required to invest any portion of the PHRF that, as determined by the Secretary of Veterans Affairs, were not required to meet current expenses in interest bearing obligations of the United States or guaranteed by the United States. The interest on, and proceeds from any sale of, these obligations would be credited to the PHRF. Additionally, the Secretary would be authorized to expend not more than \$100,000 in any fiscal year from the amount in the PHRF—after payment of expenses related to Pershing Hall and reimbursement of any funds transferred from the major construction account—on projects, activities, and facilities determined by the Secretary to be in keeping with VA's mission. Such expenditures made during a fiscal year would be required to be reported to the Congress by November 1 following the end of that fiscal year.

The Secretary would be authorized to carry out the provisions of this section without regard to provisions of law prescribing procedures and standards for the Secretary in leasing and transferring VA property and declaring such property as excess to VA's needs (section 5022 of title 38), requiring leases of Federal properties to be for cash only and for rental payments to be deposited in the Treasury as miscellaneous receipts (section 393b of title 40, United States Code), and providing for the transfer of excess properties among Federal agencies and for the disposal of surplus properties (sections 483 and 484 of the title 40).

Senate bill: No provision.

Compromise agreement: Section 403 follows the House bill but would expressly authorize the Secretary to (1) establish and operate a regional office to assist veterans and their families in obtaining veterans' benefits, and (2) provide allowances and benefits described in section 235 of title 38 to VA employees who are United States citizens and assigned to Pershing Hall.

TITLE V—MISCELLANEOUS

Duration of Compensated Work Therapy Program

Background: Public Law 102-54 authorizes the Secretary of Veterans Affairs in fiscal years 1992-95 to carry out a demonstration program linking compensated work therapy programs with therapeutic transitional housing.

House bill: No provision.

Senate bill: No provision.

Compromise bill: Section 501 would authorize the Secretary to begin to carry out this demonstration program in fiscal year 1991.

Savings provision for Elimination of Benefits for Certain Remarried Spouses

Current Law: Section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), which repealed sections 103 (d)(2), (d)(3), and (e)(2) of title 38, thereby eliminating reinstatement of VA benefits eligibility for certain remarried surviving spouses or married children whose disqualifying marriages (including apparent marriages, for surviving spouses) end by death or divorce. This provision became effective for claims for benefits filed on or after November 1, 1990.

Because the effective date is based on when a claim is filed, rather than on when the disqualifying marriage ends, some spouses and children who qualified for reinstatement on October 31, 1990, lost eligibility for reinstatement for any benefits if they failed to apply before November 1, 1990. In some cases, the spouse or child was reinstated to entitlement for one VA benefit, for which they filed a claim prior to November 1, 1990—for example, dependency and indemnity compensation—but not for other VA benefits or services, such as home-loan guaranty, educational assistance, and CHAMPVA benefits.

House bill: No provision, but on April 11, 1991, the House passed in section 12 of H.R. 1047 legislation to provide reinstatement eligibility for all applicable VA benefits for surviving spouses or children whose disqualifying marriages ended prior to November 1, 1990, and who do not remarry or enter into an apparent marriage on or after that date.

Senate bill: No provision, but on June 26, 1991, the Senate Committee ordered reported in section 8 of S. 775 a provision substantively identical to the House provision.

Compromise agreement: Section 502 follows the provisions in section 12 of H.R. 1047 as passed by the House and in section 8 of S. 775 as ordered reported by the Senate Committee.

Agent Orange Review

Current law: Section 3 of the Agent Orange Act of 1991, Public Law 102-4, enacted February 6, 1991, requires the Secretary of Veterans Affairs to seek to enter into a contract with the National Academy of Sciences (NAS), within two months after enactment, pursuant to which NAS would review scientific information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. The law provides that, if unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS (or the alternative organization) would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) whether there is an increased risk of the disease among those exposed to

herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS (or the alternative organization) also would recommend further studies necessary to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents and would provide follow-up reports at least once every two years for the next ten years. Current law contains no provision directly addressing the issue of the contractor's potential liability in connection with the Agent Orange study.

House bill: No provision.

Senate bill: No provision.

Compromise agreement: Section 503 would authorize the Secretary to provide liability insurance for the NAS (or the alternative contract organization) to cover any claim for money damages awarded in a legal challenge of the study. Claims for money damages would be required to be based on the negligence of an employee or representative of NAS (or the alternative organization) in connection with carrying out its responsibilities under the contract. The Secretary would also be authorized to provide reimbursement for reasonable attorney's fees, incidental expenses, and any judgment not covered by insurance. Such reimbursement would be paid from funds appropriated to carry out the study. In no event would such reimbursement come from the judgement fund authorized by section 1304 of title 31, United States Code.

Section 503 would also change from two months after enactment of the Agent Orange Act to two months after the enactment of this measure the time period after which the Secretary must seek to enter into a contract with an alternative scientific organization.

The Committees expect that the enactment of this provision will enable VA and NAS to conclude quickly the contract contemplated by the Agent Orange Act.

Expansion of Authority To Accept Gifts, Bequests, and Devises

Current law: Under sections 1006, 1007, and 8301-05 of title 38, the Secretary has authority to accept certain gifts for the benefit of national cemeteries and for veterans' hospitals and homes.

House bill: Section 202 of H.R. 5326 would have allowed the Secretary to accept for use in carrying out all laws administered by the Secretary, gifts, devices, and bequests which would enhance the Secretary's ability to provide services or benefits.

Senate bill: No provision.

Compromise agreement: Section 504 follows the House provision.

Technical Amendment Relating to Collection of Certain Indebtedness to the United States

Current law: Section 5301(c) of title 38 requires that all sums collected in connection with a debt associated with a veteran's participation in the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan under chapter 73 of title 10, United States Code, through offsets of veterans compensation or pension be deposited into the Department of Defense Military Retirement Fund under chapter 74 of title 10.

House bill: Section 204 of H.R. 5326 would have required that such collections from the Coast Guard members be deposited into the Retired Pay Account of the Coast Guard.

Senate bill: No provision.

Compromise agreement: Section 505 follows the House provision.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

An act to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, life insurance, health-care, and facilities management programs; and for other purposes.

DRUNK DRIVING CHILD PROTECTION ACT OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 94, S. 113, the Drunk Driving Child Protection Act of 1991.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 113) to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drunk Driving Child Protection Act of 1991".

SEC. 2. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.

Section 13(b) of title 18, United States Code, is amended by—

(1) striking "For purposes" and inserting "(1) Subject to paragraph (2) and for purposes"; and

(2) adding at the end thereof the following new paragraph:

"(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than \$1,000, or both, if—

"(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

"(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (1).

"(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age."

SEC. 3. COMMON CARRIERS.

Section 342 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "Whoever"; and

(2) adding at the end thereof the following new subsection:

"(b)(1) In addition to any term of imprisonment imposed for an offense under subsection (a), the punishment for such an offense shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than \$1,000, or both, if a minor (other than the offender) was present in the common carrier when the offense was committed.

"(2) For the purposes of paragraph (1), the term 'minor' means a person less than 18 years of age."

SEC. 4. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

Mr. THURMOND. Mr. President, I rise in strong support of this bill. On the first day of this Congress I joined with Senator BIDEN in introducing this measure, the Drunk Driving Child Protection Act of 1991. This important legislation amends Federal law to increase the penalties for those who drive under the influence of drugs or alcohol when a minor is present in the vehicle.

Under current law, drunk driving is punishable under two provisions in the Federal Criminal Code. First, under the Assimilative Crimes Act, crimes that are committed on Federal lands that are not specifically punishable under the Federal Criminal Code, as in the case with drunk driving, are punishable under the State law in which the Federal land is located. In other words, when a Federal judge sentences a person for drunk driving on Federal land, he or she applies the State penalties. The second provision, which was enacted in 1986 and which I introduced, makes it a Federal offense to operate a common carrier, such as a bus or train, while under the influence of alcohol or drugs. Violators may be punished by up to 15 years imprisonment. This bill amends both of these provisions by increasing the terms of imprisonment by 1 additional year, as well as increasing the fines, when a minor is a passenger. If serious bodily injury is caused to a minor, the penalty is increased by 5 years and if death to a minor is caused, the penalty is increased by as much as 10 years.

Mr. President, it is clear that no individual should get into a vehicle with an intoxicated person behind the wheel. Fortunately, as adults, we can refuse a ride with a friend or relative who has been drinking. Instead, we can offer to drive the person ourselves or offer that individual a place to stay for the night. Yet, our Nation's children are not always in a position to choose for themselves. They are truly the innocent victims of drunk drivers. Any person who would risk the life of a child passenger should face tough penalties.

In closing, this legislation is strongly supported by Mothers Against Drunk Driving. It will send a signal to those who would drink and drive with children in their vehicle that such conduct will not be tolerated. These enhanced penalties will deter individuals from recklessly putting the lives of their innocent passengers at risk. This legislation is needed to further limit the risk of harm to our Nation's children.

For these reasons, I urge my colleagues to support this important measure.

Mr. BIDEN. Mr. President, I am pleased that the Senate will pass the Biden-Thurmond Drunk Driving Child Protection Act of 1991. The purpose of the bill is simple and straightforward: to stiffen penalties for drunk and drugged driving when a child is in the car.

Drunk driving is one of the most serious public health problems in the country.

Each year, more than 24,000 people are killed in alcohol-related crashes—in other words, one person is killed every 20 minutes by a drunk or drugged driver.

Two of every five Americans will be involved in an alcohol-related traffic accident in their lifetime.

More than a million alcohol- and drug-related accidents occur on our highways every year, causing one-half million injuries.

And more than 40 percent of all teenage deaths result from car accidents—half of these involve drinking.

Children are among the most vulnerable victims of this violent crime: 56 percent—more than half—of the children killed by drunk driving were passengers in the drunk driver's vehicle. Unlike adults, children can't "just say no" when a parent or other adult who is drunk tells them to get into the car.

All drunk drivers should face stiff and certain punishment. But when a drunk driver puts a helpless child at risk, such reckless acts should be punished even more severely.

This bill will attack the problem of drunk driving with children in the car on two fronts. First, the bill will boost the penalty for drunk driving on Federal lands. Second, the bill increases the penalty for drunk drivers who are behind the wheels of buses, trains, and other "common carriers" that operate on our highways. Even greater penalties are imposed if death or serious bodily injury results.

A virtually identical version of the bill passed the full Senate in September of last year. I am confident that with swift Senate action this year, the bill can be enacted into law by the end of this session.

Mr. President, I ask unanimous consent that an explanatory fact sheet be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: DRUNK DRIVING CHILD PROTECTION ACT OF 1991 (S. 113)

CURRENT FEDERAL LAW

Drunk driving is punishable under two provisions of the federal criminal code. Under the Assimilative Crimes Act, crimes committed on federal lands that are not punishable under federal law are punishable under the state law in which the federal land is located. Thus, when a federal judge sentences a person for drunk driving on federal land, the judge applies state penalties.

In addition, the 1986 Anti-Drug Abuse Act created a federal crime to operate a common carrier (e.g., bus, rail train, airplane) under the influence of alcohol or drugs, punishable by up to 15 years in prison and a fine of \$10,000.

THE BIDEN-THURMOND "DRUNK DRIVING CHILD PROTECTION ACT OF 1991"

S. 113 amends both provisions of federal law to increase the penalty when a minor is in the vehicle. First, under the Assimilative Crimes Act, the Biden-Thurmond bill would allow federal judges to impose an additional penalty, beyond the state law, of up to one year imprisonment and an additional fine of not more than \$1,000, where a minor is present when the drunk driving offense occurs. If serious bodily injury or death results, the penalties increase to five and ten years, respectively. These provisions extend to the more than 200,000 miles of roads on federal lands—more than in any single state.

Second, the bill amends the common carrier provisions to provide similar penalty increases for operating a common carrier under the influence of drugs or alcohol when a child is riding in the vehicle.

Finally, the bill expresses the sense of Congress that state judges should consider the drunk driving record of persons involved in child custody and visitation determinations. This provision encourages—but does not mandate—that state and family court judges consider the threat to a child's safety of a parent, spouse or others who have a history of drunk driving.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (S. 113) as amended, as passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. MCCATHRAN, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the joint resolution (S.J. Res. 140) to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week"; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following joint resolution, each without amendment:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; and

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week."

ENROLLED JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; and

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week"; and

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day."

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

At 5:47 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2427) making appropriations for energy and water development for the fiscal year ending September 30, 1992, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BEVILL, Mr. FAZIO, Mr. THOMAS of Georgia, Mr. CHAPMAN, Mr. SKAGGS, Mr. DWYER of New Jersey, Mr. WHITTEN, Mr. MYERS of Indiana, Mr. PURSELL, Mr. GALLO, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes;

it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FAZIO, Mr. MRAZEK, Mr. SMITH of Florida, Mr. ALEXANDER, Mr. MURTHA, Mr. TRAXLER, Mr. WHITTEN, Mr. LEWIS of California, Mr. PORTER, Mrs. VUCANOVICH, and Mr. MCDADE as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DIXON, Mr. NATCHER, Mr. STOKES, Mr. SABO, Mr. AUCCOIN, Mr. HOYER, Mr. WHITTEN, Mr. GALLO, Mr. REGULA, Mr. DELAY, and Mr. MCDADE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2942. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL SIGNED

The President pro tempore [Mr. BYRD] announced that he had signed the following enrolled bill previously signed by the Speaker of the House:

H.R. 2525. An act to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, July 25, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 121. Joint resolution designating September 12, 1991, as "National D.A.R.E. Day"; and

S.J. Res. 142. Joint resolution to designate the week beginning July 28, 1991, as "National Juvenile Arthritis Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1659. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1660. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated July 1, 1991; pursuant to the order of January 30, 1975, as modified on April 11, 1986; referred jointly to the Committee on Appropriations and the Committee on Budget.

EC-1661. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Government Losses in Shipment Act to provide a permanent indefinite appropriation for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment; to the Committee on Appropriations.

EC-1662. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on plans for a program to relocate the operations of the Rocky Flats Plant at Golden, CO; to the Committee on Armed Services.

EC-1663. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report on the determination that the current procurement cost of a major defense acquisition program has increased by more than 15 percent; to the Committee on Armed Services.

EC-1664. A communication from the President of the United States, transmitting, pursuant to law, a report on the redeployment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm; to the Committee on Armed Services.

EC-1665. A communication from the Secretary of the Army, transmitting, pursuant to law, the annual report of the U.S. Soldiers' and Airmen's Home for fiscal year 1990; to the Committee on Armed Services.

EC-1666. A communication from the President of the Resolution Trust Corporation, transmitting, pursuant to law, salary plans developed by the Oversight Board of the Resolution Trust Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1667. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Credit Unions: Reforms for Ensuring Future Soundness"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1668. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law an implementation plan on the establishment and stationing requirements for the Federal Security Managers and the Civil Aviation Security Liaison Officers; to the Committee on Commerce, Science, and Transportation.

EC-1669. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on energy targets; to the Committee on Energy and Natural Resources.

EC-1670. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on mobilization of local

equipment and presuppression needs; to the Committee on Energy and Natural Resources.

EC-1671. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1672. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1673. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1674. A communication from the Administrator of General Services, transmitting, pursuant to law, an informational copy of a prospectus for the lease of space for the Department of Justice; to the Committee on Environment and Public Works.

EC-1675. A communication from the Inspector General, Department of the Interior, transmitting, pursuant to law, a report entitled "Accounting for Fiscal Year 1989 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Bureau of Reclamation"; to the Committee on Environment and Public Works.

EC-1676. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the methodology and rationale used to establish a payment rate for the drug erythropoietin; to the Committee on Finance.

EC-1677. A communication from the Acting Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report on the operation of the U.S. trade agreements program for calendar year 1990; to the Committee on Finance.

EC-1678. A communication from the Chairman of the Board of Foreign Scholarships, transmitting, pursuant to law, the annual report on the Fulbright Program for calendar year 1990; to the Committee on Foreign Relations.

EC-1679. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to July 18, 1991; to the Committee on Foreign Relations.

EC-1680. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a copy of the Civil Service Retirement and Disability Fund Annual Report for fiscal years 1989 and 1990; to the Committee on Governmental Affairs.

EC-1681. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 5, United States Code, to include certain service as qualifying for certain moving expenses; to the Committee on Veterans Affairs.

EC-1682. A communication from the Director of the Administrative Office of the Unit-

ed States Courts, transmitting, pursuant to law, notification of the action taken on July 10, 1991 by the Executive Committee of the Judicial Conference to support legislation to provide for an additional 18 bankruptcy judges; to the Committee on the Judiciary.

EC-1683. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, a Federal Register notice and a supporting narrative which describe a new Privacy Act system of records, entitled "Western Regional Center Outreach Tracking System—CPSC-21" which the Consumer Product Safety Commission proposes to establish; to the Committee on the Judiciary.

EC-1684. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on the Judiciary.

EC-1685. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the State Vocational Rehabilitation Services Program; to the Committee on Labor and Human Resources.

EC-1686. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final priority for fiscal year 1991—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps; to the Committee on Labor and Human Resources.

EC-1687. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Student Assistance General Provisions and Guaranteed Student Loan Programs; to the Committee on Labor and Human Resources.

EC-1688. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing disposition of excess campaign or donated funds by Members of Congress; to the Committee on Rules and Administration.

EC-1689. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing the public financing of Presidential primary and general election candidates; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-192. A concurrent resolution adopted by the Legislature of the State of Louisiana favoring the appropriation of funds for the aerial application of andro to eradicate and control fire ants in the State of Louisiana; to the Committee on Appropriations.

"HOUSE CONCURRENT RESOLUTION No. 234

"Whereas imported fire ants (*Solenopsis saevissima* richteri Forel) have increasingly become a problem throughout the state of Louisiana and especially in the named parishes; and

"Whereas fire ants have become a danger and nuisance to many farmers in these areas by damaging crops and harming small animals; and

"Whereas in 1960, the state entomologist was authorized to establish and carry out a program for the eradication and control of the imported fire ant, and to cooperate with and to receive cooperation from the United

States Department of Agriculture, including the expenditure of federal funds, for that purpose; and

"Whereas to date, no funds, either state or federal, have been appropriated for the development and continuation of a fire ant eradication program; and

"Whereas eradication and control of fire ants on a large scale basis can only be done through the aerial application of pesticides. Therefore, be it

"Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to appropriate funds for the aerial application of andro to eradicate and control fire ants on croplands in the state of Louisiana, and to establish a pilot program in five parishes in northeastern Louisiana, namely East Carroll, West Carroll, Madison, Richland, and Morehouse Parishes; Be it further

"Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana congressional delegation."

POM-193. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Appropriations:

"HOUSE CONCURRENT RESOLUTION No. 291

"Whereas nearly all other states continue to oppose outer continental shelf (OCS) oil and gas activities and to push for total OCS drilling moratoria off their coasts and in their 'sensitive' areas; and

"Whereas Louisiana continues to be a safe haven for the oil and gas industry and continues to foster OCS oil and gas development off its coast; and

"Whereas to date, approximately ninety-three percent of all oil and approximately eighty-seven percent of all gas ever produced from all federal OCS areas have been produced off Louisiana's coast; and

"Whereas as a result of OCS activities off Louisiana's coast, the state has suffered damage to its sensitive wetlands and must provide an enormous infrastructure of public facilities, structures, and services to make federal OCS development possible; and

"Whereas from 1986 to 1990, receipts (rentals, bonuses, royalties, and production payments) from OCS oil and gas production off Louisiana's coast totaled approximately ten and one-half billion dollars; and

"Whereas the state receives no oil and gas revenues per se from OCS and gas development six miles or more off Louisiana's coast; and

"Whereas as of 1985, sixty-three percent of Louisiana OCS estimated oil reserves and sixty-four percent of Louisiana OCS estimated gas reserves have been depleted; and

"Whereas after many years of negotiations and legal maneuvering concerning drainage of state reservoirs from the federal side of the OCS, the state obtained the '8(g)' settlement which allowed the state to receive twenty-seven and one-half percent of the royalties, bonuses, rentals, and production payments from the '8(g)' zone of three miles to six miles from Louisiana's coast; and

"Whereas from 1986 through 1990, Louisiana's share of receipts derived from the '8(g)' area totaled approximately fifty-four million dollars, in comparison to the ten and one-half billion dollars in receipts received by the federal government for Louisiana oil and gas production during that same period; and

"Whereas the construction and maintenance of the extensive infrastructure nec-

essary to support Gulf of Mexico outer continental shelf oil and gas production off the coast of Louisiana has resulted in cumulative adverse environmental costs to coastal Louisiana; and

"Whereas recent wide fluctuations in Gulf of Mexico outer continental shelf oil and gas activities, as a result of area wide lease sales and leasing, coupled with the rapid development of the Gulf of Mexico outer continental shelf area as well as that of onshore facilities in coastal Louisiana have fostered severe economic and social instabilities throughout Louisiana, particularly in coastal communities; and

"Whereas President Bush, in June of 1990, directed the Secretary of the Interior to initiate legislation to provide federal impact assistance funds to coastal communities affected by new outer continental shelf activities; and

"Whereas the state of Louisiana should receive substantial federal impact assistance funds because of the extensive OCS oil and gas production off the Louisiana coast. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take appropriate action to appropriate to Louisiana federal impact assistance funds from outer continental shelf (OCS) oil and gas activities. Be it further

Resolved, That copies of this Resolution shall be transmitted to the president of the Senate and the speaker of the House of Representatives of the Congress and to each member of the Louisiana congressional delegation."

POM-194. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION 12

"Whereas telemarketing is one of the most widely used and growing methods of communicating with existing and potential customers; and

"Whereas the growth of telemarketing, combined with new technology such as automatic dialing devices, has raised some concerns regarding consumer privacy; and

"Whereas the majority of these telemarketing calls which utilize this new technology are interstate in nature and, therefore, beyond the jurisdictional reach of existing state laws designed to address these consumer concerns: Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring: That the general court propose to the Congress either to develop unified standards governing the interstate use of automatic dialing devices which deliver a pre-recorded telephone message for solicitation purposes, or to prohibit the interstate use of such automatic dialing devices; and

"That copies of this resolution be sent by the secretary of state to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate and to the New Hampshire members of both Houses of Congress."

POM-195. A petition from the District Attorney of Richmond County, New York recommending various legislative, executive and administrative actions; to the Committee on Commerce, Science, and Transportation.

POM-196. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 23

"Whereas the Lahontan cutthroat trout (*salmo clarki henshawi*) has been classified as a threatened species by the Secretary of the Interior since 1975, mostly because of the gradual deterioration of the riparian habitat necessary for its survival; and

"Whereas the agencies of the Federal Government responsible for the management of the affected land have only recently given this deterioration any official recognition, after having allowed the deterioration to occur for many years; and

"Whereas despite this deterioration, geographically fragmented populations of Lahontan cutthroat trout can be found in various portions of the Carson, Humboldt, Owyhee, Quinn, Truckee and Walker River basins; and

"Whereas in recognition of the threatened population of Lahontan cutthroat trout in Pyramid Lake and the lower Truckee River, the United States Congress, pursuant to Public Law 101-618, directed the Secretary of the Interior expeditiously to revise, update and implement plans for the conservation and recovery of those trout; and

"Whereas it would be beneficial to prepare similar plans for the other threatened populations of Lahontan cutthroat trout in Nevada; and

"Whereas because of the wide geographical distribution of the populations of Lahontan cutthroat trout in this state and the disparity in federal agencies having jurisdiction over the affected land, coordinated inter-agency cooperation is required to ensure the recovery of these populations of trout: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of Nevada, Jointly, That the Nevada Legislature hereby urges the Secretary of the Interior and Secretary of Agriculture of the United States to organize an interagency task force, consisting of representatives of the United States Fish and Wildlife Service, Bureau of Land Management and Forest Service, and appropriate agencies of the State of Nevada, to develop, with the assistance of representatives of interested organizations, a plan for the recovery of the various populations of Lahontan cutthroat trout in this state; and be it further

Resolved, That the interagency task force be instructed to prepare the plan in an expeditious manner to prevent the further endangerment of the species; and be it further

Resolved, That the interagency task force be instructed to include in the plan its recommendations for methods to provide for the removal of the Lahontan cutthroat trout from its classification as a threatened species in the various river basins of this state, giving due consideration to the relative size of those populations and conditions of the habitat in those basins; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-197. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

JOINT RESOLUTION

"We, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

"Whereas the provisions set forth in 42 United States Code, Section 415 for determining the primary insurance amount of a person receiving social security were amended in 1977 by Public Law 95-216; and

"Whereas that amendment resulted in disparate benefits according to when a person initially becomes eligible for benefits; and

"Whereas the persons who were born during the years 1917 to 1926, inclusive, and who are commonly referred to as "notch babies," receive lower benefits than persons who were born before that time; and

"Whereas the payment of benefits under the social security system is not based on need or other considerations related to welfare, but on a program of insurance based on contributions by a person and that person's employer; and

"Whereas the discrimination between persons receiving benefits is totally inequitable and contrary to the principles of justice and fairness; and

"Whereas the Social Security Trust Fund has adequate reserves to eliminate this inequity: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation to eliminate inequities in the payment of social security benefits to persons based on the year in which they initially become eligible for such benefits; and be it further

Resolved, That Congress eliminate these inequities without reducing the benefits of persons who were born before 1917; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-198. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Governmental Affairs:

HOUSE CONCURRENT RESOLUTION 314

"Whereas the House of Representatives and the Senate of the United States Congress have consistently and carefully exempted themselves from the provisions of innumerable laws and regulations restricting and restraining the business and working men and women of our free enterprise system; and

"Whereas in their laudable quest to protect and provide for the general welfare of all of the citizens of the United States it too often escapes the attention of the public that the legislation deemed to be so necessary for their protection does not also apply with equal force within the confines and establishments of those same legislative bodies imposing the restrictions and regulations; and

"Whereas this practice has become especially prolific within recent years in the enactment of labor legislation and it is the desire of the people of the state of Louisiana and of this nation that the United States Congress refrain from the hypocrisy of almost routinely exempting itself from the provisions of its own legislation enacted ostensibly to protect all of the citizens of the nation. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to provide in all legislation imposing restrictions on business and government that those same restrictions will apply in like manner to said legislative body. Be it further

Resolved, That copies of this Resolution be transmitted by the clerk of the Louisiana House of Representatives to the president and the secretary of the United States Senate, to the speaker and the clerk of the United States House of Representatives, and to the Louisiana congressional delegation."

POM-199. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Governmental Affairs:

SENATE JOINT MEMORIAL 91-2

"Whereas, in his State of the Union address before the United States Congress on January 29, 1991, President Bush proposed selecting at least fifteen billion dollars in federal programs and turning them over to the states in a consolidated grant, fully funded, for flexible management by the states; and

"Whereas, as noted by the President in his address, the President's proposal offers many advantages, including reducing the federal government's overhead expenses, allowing the states to manage more flexibly and efficiently, moving power and decision-making closer to the people, and supporting the traditional federal concept of the states as innovative laboratories of democracy; and

"Whereas, although the President's proposal is worthy of support, and the necessary implementing legislation should be pursued by Congress, the General Assembly has concerns about the specific elements that might be included in structuring and implementing the proposed consolidated grant program; and

"Whereas, any legislation implementing the President's proposal should ensure that the states will be given adequate funding and flexibility to carry out the programs turned over to them; and

"Whereas, such legislation should also recognize and respect the policy-making and budgeting responsibilities of state legislatures under each state's constitutional system allocating governmental powers among coordinate branches of government, and should ensure that each state legislature is a participant in the exercise of discretion allowed each state to make policy and funding choices; now, therefore, be it

Resolved, by the Senate of the Fifty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That the Congress of the United States is hereby memorialized to adopt legislation in support of the President's proposal to turn over to the states additional federal programs in the form of one or more consolidated grants, but to include in such legislation the following elements:

"(1) Stable and determinate funding that is adequate to enable the states to carry out the programs at least at their current levels;

"(2) Maximum flexibility for the states to manage such programs to meet their individual needs; and

"(3) Preservation of the role of the state legislature under each state's constitutional framework, including, where state government is allowed discretion to decide the amounts and purposes of expenditures of federal funds turned over to the state, participation in such decision-making through the legislative appropriation process."

POM-200. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on the Judiciary:

SENATE CONCURRENT RESOLUTION NO. 4023

"Whereas the First Congress of the United States of America, at its first session begun on March 4, 1789, and held in New York, New York, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"The Conventions of a number of the States, having at the time of their adopting

the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution;

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring that the following [Article] be proposed to the Legislatures of the several States, as [an amendment] to the Constitution of the United States . . . which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"[An Article] in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

"Whereas Article V of the Constitution of the United States allows the Legislative Assembly of the State of North Dakota to ratify the aforementioned original second amendment to the Constitution of the United States; and

"Whereas the Supreme Court of the United States in 1939 ruled in the landmark case of *Coleman v. Miller* that if Congress does not specify a deadline on a particular proposed amendment's consideration by the state legislatures, then Congress itself is the final arbiter of whether too great a time has elapsed between Congress' original submission of the particular amendment and the most recent state legislature's ratification of it, assuming that, as a consequence of that most recent ratification, the legislatures of three-fourths of the several states have, at one time or another, ratified it; and

"Whereas the Legislative Assembly of the State of North Dakota finds that the proposed original second amendment, quoted above, is still meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposal was first offered by Congress; and

"Whereas the proposed original second amendment to the United States Constitution has already been ratified by the legislatures of the following states on the dates indicated, to wit; and

"Alaska on May 5, 1989 [135 Cong. Rec. H5485, S8054];

"Arizona on April 3, 1985 [131 Cong. Rec. H2060, S4750];

"Arkansas on March 5, 1987 [134 Cong. Rec. H3721, S7518];

"Colorado on April 18, 1984 [131 Cong. Rec. S17687; 132 Cong. Rec. H6446];

"Connecticut on May 13, 1987 [133 Cong. Rec. H7406, S11891];

"Delaware on January 28, 1790;

"Florida on May 31, 1990 [136 Cong. Rec. H5198, S10091];

"Georgia on February 2, 1988 [134 Cong. Rec. H2638, S5239];

"Idaho on March 23, 1989 [135 Cong. Rec. H1893, S7911];

"Indiana on February 19, 1986 [132 Cong. Rec. H1634, S4663];

"Iowa on February 7, 1989 [135 Cong. Rec. H836, S3509-10];

"Kansas on April 5, 1990 [136 Cong. Rec. H1689, S9170, E1740-41];

"Louisiana on July 6, 1988 [134 Cong. Rec. H5783, S9939];

"Maine on April 27, 1983 [130 Cong. Rec. H9097, S11017];

"Maryland on December 19, 1789;

"Minnesota on May 22, 1989 [135 Cong. Rec. H3258, H3678, S7655-56, S7912];

"Montana on March 11, 1987 [133 Cong. Rec. H1715, S6155];

"Nevada on April 26, 1989 [135 Cong. Rec. H2054, S10826];

"New Hampshire on March 7, 1985 [131 Cong. Rec. H1378, S3597];

"New Mexico on February 13, 1986 [132 Cong. Rec. H827, S2207-08, S2300];

"North Carolina on December 22, 1789;

"Ohio on May 6, 1873 [70 Ohio Laws 409-10];

"Oklahoma on July 10, 1985 [131 Cong. Rec. H7263, S13504];

"Oregon on May 19, 1989 [135 Cong. Rec. H5692, H5972, S11123-24, S12150];

"South Carolina on January 19, 1790;

"South Dakota on February 21, 1985 [131 Cong. Rec. H971, S3306];

"Tennessee on May 23, 1985 [131 Cong. Rec. H6672, S10797, S13504];

"Texas on May 15, 1989 [135 Cong. Rec. H2594, S6726-27];

"Utah on February 25, 1986 [132 Cong. Rec. S6750, S7578; 133 Cong. Rec. H9866];

"Vermont on November 3, 1791;

"Virginia on December 15, 1791;

"West Virginia on March 10, 1988 [134 Cong. Rec. H2492, S4784-85];

"Wisconsin on June 30, 1987 [133 Cong. Rec. H7406, S12948, S13359]; and

"Wyoming on March 3, 1978 [124 Cong. Rec. 7910, 8265-66; 133 Cong. Rec. S12949]; Now, therefore, be it

"Resolved, by the Senate of North Carolina, the House of Representatives concurring therein:

"That the proposed original second amendment to the Constitution of the United States of America, as quoted above, is hereby ratified by the Fifty-second Legislative Assembly of the State of North Dakota."

POM-201. A resolution adopted by the City Council of Lakewood, Ohio urging the adoption of the Violence Against Women Act of 1991; to the Committee on the Judiciary.

POM-202. A concurrent resolution adopted by the Legislature of the State of Louisiana to the Committee on Labor and Human Resources.

"HOUSE CONCURRENT RESOLUTION NO. 102

"Whereas the Job Training Partnership Act provides for wage subsidies for a period not to exceed six months to employers that hire economically disadvantaged persons; and

"Whereas the intent of this program is to reduce costs associated with training employees with the expectation that employers would retain these trained employees after the subsidized period expires; and

"Whereas many employers are not retaining employees beyond the period that wage subsidies are offered, but simply replacing these persons with others eligible for wage subsidies; and

"Whereas firing trainees in this program when the funded period expires and then rehiring other eligible participants flies in the face of Congress' intent to train citizens so that they may be gainfully employed, therefore, be it

"Resolved that the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delega-

tion, to enact legislation to require employers that receive on-the-job training (OJT) wage subsidies under Titles II and III of the Job Training Partnership Act to retain trainees beyond the expiration of a subsidized period by prohibiting the award of on-the-job training (OJT) contracts to employers who, without just cause, replace trainees with other persons eligible for wage subsidies at the conclusion of the subsidized period."

POM-203. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 29

"Whereas acquired immune deficiency syndrome is a transmittable disease rivaling the most serious diseases recorded in human history; and

"Whereas the National Centers for Disease Control estimates that as of August 1990, over 143,286 persons in the United States and 577 persons in the State of Nevada have been afflicted with acquired immune deficiency syndrome; and

"Whereas the pain and suffering is enormous for anyone who is afflicted with this disease and for anyone who knows or loves a child or an adult who is afflicted with acquired immune deficiency syndrome; and

"Whereas the care and treatment of a person with acquired immune deficiency syndrome is very costly; and

"Whereas a prudent public health policy requires an efficient and cost-sensitive health care delivery system that can assist in reducing both the prevalence and the incidence of the transmission of acquired immune deficiency syndrome; and

"Whereas the costs incurred by a patient in purchasing medicine to combat acquired immune deficiency syndrome may be thousands of dollars per year; and

"Whereas medications have been researched and developed with government funds which provide effective treatments and have been shown to delay the onset of the more serious stages of acquired immune deficiency syndrome, and these medications are being marketed by private companies; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to encourage the speedy manufacture, distribution and marketing of drugs which provide an effective treatment of acquired immune deficiency syndrome at the lowest possible cost to ease the financial burden of persons afflicted with acquired immune deficiency syndrome and of governments procuring such drugs; and be it further

"Resolved, That the Nevada Legislature urges the Congress of the United States to encourage state governments to promote the development, manufacture and distribution of less costly, effective medication to combat acquired immune deficiency syndrome; and be it further

"Resolved, That the Nevada Legislature urges the Congress of the United States to encourage the National Centers for Disease Control to promote the availability of less costly, effective drugs to combat acquired immune deficiency syndrome."

POM-204. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Rules and Administration:

"HOUSE CONCURRENT RESOLUTION

"Whereas the status of American service personnel in Southeast Asia is an important

national policy issue as more than 88,000 members of our country's armed forces who served during World War II, the Korean War, and the Vietnam conflict are officially listed as missing in action (MIA); and

"Whereas on April 12, 1973, the United States Department of Defense publicly stated that there was "no evidence" that live American prisoners of war (POWs) were being held in Southeast Asia, yet that statement was made nine days after Pathet Lao leaders declared that Laotian communist forces were, in fact, holding American POWs; and

"Whereas records show that none of the American POWs held by the Laotian government and military forces have ever been released; and

"Whereas, since 1973, the department has received more than 11,700 reports of sightings of live American POWs and, after detailed analysis, admits that there are a number of "unresolved" cases regarding the POW/MIA issue; and

"Whereas the United States Senate Foreign Relations Committee released its "Interim Report on the Southeast Asia POW/MIA Issue" in October 1990, which concludes that United States military and civilian personnel were held against their will in Southeast Asia after the Vietnam conflict, despite earlier public statements by the department to the contrary, and that information available to the federal government does not rule out the possibility that United States citizens are still being held in Southeast Asia; and

"Whereas the report also states that congressional inquiries into the POW/MIA issue have been hampered by information being concealed from committee members or "misinterpreted or manipulated" in government files; and

"Whereas the United States Congress' POW/MIA truth bill would direct federal government agencies and departments to disclose information concerning the United States service personnel classified as prisoners of war or missing in action from World War II, the Korean War, and the Vietnam conflict and would censor the sources and methods used to collect the live sighting reports, thus protecting national security; and

"Whereas the families of these missing service personnel truly need and deserve the opportunity to access information concerning the status of their missing loved ones after these many years; now, therefore, be it

Resolved, That the 72nd Legislature of the State of Texas hereby request the United States Congress to resolve questions regarding United States military prisoners of war and personnel missing in action by appointing a select committee to assist the United States Senate Foreign Relations Committee in obtaining information in government files; and, be it further

Resolved, That the congress be urged to begin immediate committee hearings to consider enacting the POW/MIA truth bill; and, be it further

Resolved, That the congress be requested to continue funding of this investigation that is vital to resolving the POW/MIA issue in Southeast Asia."

POM-205. A resolution adopted by the Senate of the State of Illinois; to the Committee on Veterans' Affairs:

"SENATE RESOLUTION No. 95

"Whereas Thomas Murphy, a Marine Corps veteran of the Vietnam War, received a head wound during combat in July of 1972, and as a result has suffered traumatic brain injury; and

"Whereas Thomas Murphy was awarded an Air Medal-Bronze Star for his gallantry in combat, and is receiving total disability compensation for his service-connected brain injury; and

"Whereas, It was only in 1987, after years of outpatient care, that the Veterans Administration provided treatment for Thomas Murphy's injury at the Center for Head Trauma in Devon, Pennsylvania; and

"Whereas, This treatment offers cognitive retraining, speech and occupational therapy, individual and group psychotherapy, and recreational activities; and

"Whereas, This rehabilitation program, however, is limited to only 24 months, with a maximum extension of only six months by Title 38, United States Code, Section 1505d; and

"Whereas, This time period can be inadequate for the treatment of veterans with serious combat or service-connected injuries; and

"Whereas, There are approximately 1,200 Vietnam veterans with service-connected brain injuries; and

"Whereas, These veterans, having made tremendous sacrifices for this nation, are entitled to all necessary rehabilitation care and services; therefore, be it

Resolved, by the Senate of the Eighty-Seventh General Assembly of the State of Illinois, that we memorialize the United States Congress to reevaluate federal statutory limits on the length of rehabilitation programs for veterans with combat or service-connected brain injuries in an effort to provide them with adequate rehabilitation services."

POM-206. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Veterans' Affairs:

"HOUSE CONCURRENT RESOLUTION No. 267

"Whereas our veterans have fought our nation's battles on land, in the sea, and in the air to protect the quality of life and the freedom that we enjoy as Americans; and

"Whereas our veterans, who have been called upon to defend our nation, have consistently placed the values of our nation over their own personal goals; and

"Whereas our veterans have made great sacrifices by leaving the comfort and security of country, career, home, and family to courageously defend not only the United States of America and its territories, but also the rights and freedoms of innocent people victimized by tyranny throughout the world; and

"Whereas many of our veterans, who have sacrificed so much for our nation, suffer from injuries or illnesses in the course of their lives that need immediate care and attention; and

"Whereas many of our veterans do not receive the kind of timely and quality health care and treatment which they have earned and which they deserve; and

"Whereas we, as a nation, should ensure that our veterans receive the best health care and treatment that is available; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to fully fund Veterans Administration hospitals to ensure that veterans receive the kind of timely, quality health care and treatment which they have earned and which they deserve.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 477: A bill to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, New Mexico, as the official atomic museum of the United States Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation (Rept. No. 102-119).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 996: A bill to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes (Rept. No. 102-120).

H.R. 1448: A bill to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, Idaho, to use certain lands for a correctional facility for women, and for other purposes (Rept. No. 102-121).

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 2686: A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102-122).

By Mr. NUNN, from the Committee on Armed Services, unfavorably without amendment:

S.J. Res. 175: A joint resolution disapproving the recommendation of the Defense Base Closure and Realignment Commission (Rept. No. 102-123).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance:

Olin L. Wethington, of Virginia, to be a Deputy Under Secretary of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

J. Michael Luttig, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment as Chief of Army Reserve, United States Army, under the provisions of Title 10, United States Code, Section 3038:

To be Chief of Army Reserve, U.S. Army

Maj. Gen. Roger W. Sandler xxx-xx-xxxx U.S. Army Reserve.

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer for appointment as The Judge Advocate General, United States Army, under the provisions of Title 10, United States Code, Section 3037:

To be the judge advocate general

Maj. Gen. John L. Fugh xxx-xx-xxxx U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Ronald H. Griffith, xxx-xx-xxxx
United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Donald W. Jones xxx-xx-xxxx
United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Leonard P. Wishart, III, 152-26-4608, United States Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Harry E. Soyster xxx-xx-xxxx
United States Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Robert B. Johnston xxx-xx-xxxx
USMC.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Matthew T. Cooper xxx-xx-xxxx
USMC.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 1556. A bill to protect the Supplemental Food Program for Women, Infants and Children, and for the other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG: (for himself and Mr. WIRTH):

S. 1557. A bill to improve the implementation and enforcement of the Federal cleanup program; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 1558. A bill to direct the Secretary of Transportation to take certain action in connection with the outporting of certain vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1559. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Finance.

By Mr. JOHNSTON (by request):

S. 1560. A bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 1561. A bill to declare that certain public domain lands are held in trust for the Confederated Tribes of Siletz Indians of Oregon; to the Select Committee on Indian Affairs.

By Mr. BRADLEY:

S. 1562. A bill to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan payment in contingent upon such student's income, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. PELL, Mr. HOLLINGS, Mr. KENNEDY, Mr. STEVENS, Mr. PACKWOOD, Mr. KASTEN, and Mr. GORTON):

S. 1563. A bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources, jointly, by unanimous consent.

By Mr. CONRAD:

S. 1564. A bill to amend title 49, United States Code, relating to tax discrimination against rail transportation property; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN:

S.J. Res. 183. A joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 159. A resolution to authorize the production of documents by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

By Mr. SYMMS:

S. Con. Res. 55. A concurrent resolution to call for the construction of an International Memorial to the Victims of Communism; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1556. A bill to protect the Supplemental Food Program for women, infants, and children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WIC PROTECTION ACT OF 1991

• Mr. HEFLIN. Mr. President, I rise today to introduce the Women, Infants, and Children Protection Act of 1991. The Supplemental Food Program for women, infants, and children also referred to as the WIC Program serves children at the most critical time in their lives. This program feeds mothers when they are pregnant or breastfeeding. The WIC Program has proven to be a most effective tool we have available to fight infant mortality.

The program as it exists today is a proven success story. A 1990 USDA study showed that for every WIC dollar spent on a pregnant woman, between \$2.84 and \$3.90 was saved in infant Med-

icaid during the first 60 days after birth. And, according to the Surgeon General, the average medical cost of a low birth weight baby can exceed \$39,000. The average cost of the WIC package is \$30 a month.

Now one may ask why would someone wish to modify such an effective and worthwhile program. The truth is, I don't know. In fact, that is the very reason I'm proposing my bill; which would codify current USDA regulations relating to the WIC Program. This program has worked so effectively that the bureaucrats down at USDA have felt the need to drastically modify it. These changes which the Department of Agriculture put forth in their current proposed regulations would needlessly burden the WIC Program, harm program recipients, punish innocent vendors and, of course, most importantly to the USDA bureaucrats, create unnecessary paperwork.

These proposed changes are opposed by the majority of the State WIC administrators. Specifically, under section 246.12(e)(2), the Department would set up arbitrary procedures limiting the number of vendors, and thus, limit the availability of the WIC Program to needy recipients, particularly in rural States like mine. Vendors denied participation in the WIC Program would also be denied any recourse.

Section 246.12(e)(3) would allow USDA officials to disqualify vendor participants for both intentional and unintentional violations even though store management may be innocent of any wrongdoing. It's important to note that as more and more vendors are disqualified needy WIC recipients will have to travel farther and farther to participate in the program.

Obviously, persons intentionally committing program fraud should be severely punished. My bill provides for penalty for intentional fraud, a fine greater than the Department's current penalty. Under USDA's proposed regulations, it will be the WIC participant not the store that will be punished. The Department instead chooses to punish the pregnant women, the unborn child and the new born baby who are the participants of the WIC Program.

Mr. President, by codifying current USDA regulations we will ensure the continuation of the WIC Program as it exists today, as a flexible, an effective tool for fighting infant mortality. •

By Mr. LAUTENBERG (for himself and Mr. WIRTH):

S. 1557. A bill to improve the implementation and enforcement of the Federal cleanup program; to the Committee on Environment and Public Works.

TOXIC CLEANUP EQUITY AND ACCELERATION ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing with Senator WIRTH the Toxic Cleanup Equity and Acceleration Act of 1991 to remove a

serious impediment to effective and efficient Superfund cleanups and enforcement.

This bill is designed to fine tune the Superfund statute to block opportunistic and costly lawsuits by large corporate polluters against such innocent entities as the Girl Scouts, America's local governments, and small business. These suits allege that Girl Scouts, small business people, and ultimately, the general taxpayer should pay hundreds of millions of dollars to subsidize the corporate share of toxic waste cleanup costs because they sent ordinary garbage to the same dumps as industry used to dispose of billions of gallons of liquid hazardous waste.

Superfund is our Nation's most important tool for cleaning up the thousands of abandoned hazardous waste sites that mar our Nation's landscape. Although aspects of the program have always been controversial, its basic framework has not only survived but has been strengthened by thousands of hours of debate in this and the other body. Unfortunately, recent attempts to shift the cost of cleanup from the polluter to the taxpayer are threatening to undermine the integrity of that basic framework. I care too much about our citizens and this program to let that happen. I want to keep the Superfund statute on target—to accomplish cleanups quickly and to make the polluter pay.

In a provision added when Superfund was reauthorized in 1986, the statute allows polluters named by EPA to bring contribution lawsuits against other polluters for help in paying cleanup costs. Ordinarily, this provision equitably spreads costs among all persons who should be held responsible for the environmental contamination caused by the sites.

In so-called third-party lawsuits across the country, corporations have begun suing hundreds of local governments and small businesses seeking their contribution to billions of dollars in cleanup costs. These suits involve old municipal landfills where local governments brought garbage and sewage sludge and industry brought millions of gallons of liquid hazardous waste. These old landfills have now become Superfund sites because industrial hazardous wastes were deliberately codisposed of with the garbage. If garbage alone had been disposed of there, the sites would never have made the EPA's national priorities list.

Local governments have become a convenient tool for reaching into the average person's pocket in multimillion-dollar cases because towns and cities frequently arrange for the disposal of their citizens' trash and sewage sludge.

But the citizens and small businesses whose waste was unlucky enough to have gotten mixed up with hazardous toxins should not be left vulnerable to

overreaching lawsuits by corporate polluters. There are tens of thousands of municipal landfills across the country, and luckily most of them are not on the Superfund list. If ordinary citizens, through their local governments, are forced to apply for Superfund cleanups at sites where their garbage happens to have been sent, what we will have is a massive, random, and unfair tax: Massive because the cost of a Superfund cleanup is high, random because the codisposal of hazardous waste and garbage is totally unpredictable from the viewpoint of the average citizen, and unfair because it is not garbage or sewage sludge that got these sites on the Superfund list.

In the last decade, we created an ambitious and important Federal program to protect the environment. It is now time to reinforce Superfund's original mission. We must seize this opportunity before the problem grows worse. The third-party cases I've described have already been filed in Connecticut, California, Massachusetts, New York, New Jersey, Minnesota, Michigan, Wisconsin, and Pennsylvania. In just 2 years, we have reached the point where every local government and small business that ever sent garbage to a landfill is vulnerable. In New Jersey alone, approximately 100 local governments have already been sued in these cases. Superfund was meant to be about cleaning up the Nation's worst toxic waste sites, not about making citizens pay outrageous trash and sewage fees because a corporate giant poured hazardous waste onto their garbage at the landfill.

Mr. President, these lawsuits place private interests above the public's interest. Further, some opponents of a strong Superfund Program would like nothing better than to frustrate Superfund cleanups and the program itself. They are committed to destroying the liability system established by Superfund, to avoid obligations that will fall to them.

Mr. President, we should not permit local taxpayers to be pawns in this game. The fact is the Superfund liability system has enormous potential to force polluters, instead of taxpayers, to clean up toxic waste sites if EPA fully implements it. The law's tough liability provisions can potentially bring great efficiency to EPA's enforcement efforts and provide strong incentives to potential polluters to clean up their act. We should not permit enemies of the Superfund Program to exploit taxpayers in a cynical quest to bring the program to its knees.

Mr. President, this is not to say that the administration is doing the best it can and should do to implement the Superfund law. Certainly EPA must achieve greater efficiency in contracting, cleanup, and enforcement efforts. I have asked the General Accounting Office for recommendations to improve

all three of these areas of EPA's implementation.

Mr. President, our legislation will restrict lawsuits by polluters against municipalities who generate and transport municipal solid waste. It will give EPA exclusive enforcement authority in these cases, allowing only the Agency to bring suits against municipalities in the exceptional circumstance where they essentially acted like an industrial polluter and contributed hazardous pollution at a Superfund site. It is meant to prevent truly responsible parties from unfairly going after cities and small businesses that are not responsible for the hazardous substances at a site. The bill will not prevent private, third-party suits if municipalities or others have generated or transported hazardous substances.

Our legislation conforms to EPA's current enforcement policy. It is designed to prevent unwarranted cost shifting from polluters to taxpayers and to achieve expeditious resolution of Superfund issues with municipalities, allowing cleanup to move ahead quickly.

Mr. President, this bill enhances the current liability system in Superfund and is intended to increase the efficiency and fairness of the program. It prevents harassing and nuisance lawsuits against municipalities—meaning their residents and taxpayers—without exempting them from Superfund liability. It still leaves them open to enforcement actions by EPA in cases where they essentially act as an industrial polluter and contribute hazardous substances to a Superfund site. It shields them only from pointless and expensive lawsuits when they had no responsibility for creating a toxic waste site.

Mr. President, this bill is not about exempting anyone from liability. It's about preventing irresponsible polluters from playing legal games that compromise the whole Superfund Program. Although private party suits against generators and transporters of municipal waste would be restricted, EPA's enforcement prerogatives remain intact. If a city or town deserves to be sued for activities relating to municipal waste, this bill does not protect that city or town from liability. Nor should it. It does protect them from cynical cost shifting by the real responsible parties. In fact, the bill enhances the current liability scheme by keeping real polluters from using cities and towns to hide from their responsibilities to clean up quickly and well.

Mr. President, I urge my colleagues to join in supporting this legislation. The fact is that cities and towns across the country are potential targets for polluters trying to escape responsibility for cleanups. Lawsuits filed against municipalities that did not pollute are like class-action suits against millions of ordinary citizens. That's not what

we contemplated in drafting the Superfund law and we should not tolerate it.

I believe introducing the bill is an important first step in solving this problem, and I look forward to perfecting the measure as we move forward in the Environment and Public Works Committee. I will be holding a hearing on the bill on July 29, 1991, and will be seeking the views of the environmental community, municipalities, industry, and the administration.

Mr. President, I ask unanimous consent to insert the text of the bill and a section-by-section analysis at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Toxic Cleanup Equity and Acceleration Act of 1991".

SEC. 2. ADDITIONAL DEFINITIONS.

Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs at the end thereof:

"(39) The term 'municipal solid waste' means all waste materials generated by households, including single and multiple residences, hotels and motels, and office buildings. The term also includes trash generated by commercial, institutional, and industrial sources when the general composition and toxicity of such materials are similar to waste normally generated by households, or when such waste materials, regardless of when generated, would be considered conditionally exempt generator waste under section 3001(d) of the Solid Waste Disposal Act because it was generated in a total quantity of 100 kilograms or less during a calendar month. The term 'municipal solid waste' includes all constituent components of municipal solid waste, including constituent components that may be deemed hazardous substances under this Act when they exist apart from municipal solid waste. Examples of municipal solid waste include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, and household hazardous waste (such as painting, cleaning, gardening, and automotive supplies). The term 'municipal solid waste' does not include combustion ash generated by resource recovery facilities or municipal incinerators.

"(40) The term 'sewage sludge' refers to any solid, semisolid, or liquid residue removed during the treatment of municipal waste water, domestic sewage, or other waste waters at or by a publicly owned treatment works subject to the limitations of section 113(m).

"(41) The term 'municipality' means any political subdivision of a State and may include cities, counties, towns, townships, boroughs, parishes, school districts, sanitation districts, water districts, and other local governmental entities. The term also includes any natural person acting in his official capacity as an official, employee, or agent of a municipality."

SEC. 3. THIRD-PARTY SUITS FOR MUNICIPAL SOLID WASTE OR SEWAGE SLUDGE.

Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsections at the end thereof:

"(1) CONTRIBUTION ACTIONS FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—No municipality or other person shall be liable to any person other than the United States for claims of contribution under this section or for other response costs or damages under this Act for acts or omissions related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge unless such acts or omissions provide a basis for liability under sections 107(a)(1) or 107(a)(2) of this Act.

"(m) ACTIONS BY THE PRESIDENT FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—In the absence of truly exceptional circumstances, the President shall not initiate or maintain an action against any municipality or other person under this Act for acts or omissions related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge unless such acts or omissions provide a basis for liability under sections 107(a)(1) or 107(a)(2) of this Act. For the purpose of this subsection, truly exceptional circumstances shall exist only—

"(1) where the President obtains reliable, site-specific evidence that—

"(A) the release or threatened release of hazardous substances on which liability is based are not those ordinarily found in municipal solid waste or sewage sludge; and

"(B) the hazardous substances were derived from a commercial, institutional, or industrial process or activity; or

"(2)(A) the total contribution to the site of commercial, institutional, and industrial hazardous substances is insignificant in terms of both volume and toxicity when compared to the volume and toxicity of the municipal solid waste and sewage sludge, or

"(B) absent the total contribution to the facility of commercial, institutional, and industrial hazardous substances, the contribution of hazardous substances from municipal solid waste and sewage sludge would be a significant cause of the release or threatened release of hazardous substances that results or will result in the response action.

When the release or threatened release involves trash from commercial, institutional, or industrial sources, the President may require that persons who generated, transported, or arranged for the transportation, treatment, or disposal of such materials provide reliable, site-specific evidence that the general composition and toxicity of the trash are similar to those of waste normally generated by households. When municipal solid waste or sewage sludge has been combined or mixed with hazardous substances at a waste transfer station, such combination or mixing shall not constitute truly exceptional circumstances under this subsection warranting action against the municipality or other person that generated, transported, or arranged for the transportation, treatment, or disposal of such municipal solid waste or sewage sludge, unless the municipality or other person also owned or operated the waste transfer station. When sewage sludge has been approved by the President for beneficial reuse or other equivalent use, or would have qualified for beneficial reuse or other equivalent use at the time of disposal, the release or threatened release of

such sewage sludge shall not constitute truly exceptional circumstances under this subsection.

"(n) PUBLIC RIGHT-OF-WAY.—In no event shall a municipality incur liability under this Act for the act of owning or maintaining a public right-of-way over which hazardous substances are transported. For the purposes of this subsection, 'public right-of-way' shall include roads, streets, or other public transportation routes, and pipelines used as a conduit for sewage or other liquid or semiliquid discharges."

SEC. 4. SETTLEMENTS.

Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection at the end thereof:

"(n) SETTLEMENTS FOR MUNICIPAL GENERATORS AND TRANSPORTERS OF MUNICIPAL SOLID WASTE OR SEWAGE SLUDGE.—

"(1) APPLICABLE ACTIONS.—This subsection applies whenever an administrative or judicial action is brought, or notice is given by any person that an action may be brought, against a municipality under this Act for acts or omissions related to the generation, transportation, or arrangement for the transportation, treatment, or disposal of municipal solid waste or sewage sludge unless such acts or omissions provide a basis for liability under section 107(a)(1) or 107(a)(2) of this Act.

"(2) TIMING OF SETTLEMENTS.—For applicable actions under this subsection, a municipality may request that the President enter into a settlement under this section. The request may seek to settle a municipality's potential liability for all or part of the response costs or damages to natural resources. Notwithstanding any other deadlines under this Act, the President shall make every effort to reach a final settlement with the municipality within 120 days after receiving such request.

"(3) FAILURE TO REACH SETTLEMENT; MORATORIUM.—If the President does not reach a settlement with the municipality within the 120-day period defined in paragraph (2) of this subsection, the period shall be extended for negotiations to continue until a settlement is reached, or until the President has published in the Federal Register an explanation of why a settlement cannot be reached. During the moratorium which commences when a municipality requests a settlement under this subsection and terminates when a settlement has been reached or when the President has published notice explaining why a settlement cannot be reached, no administrative or judicial action may be commenced or pursued against the municipality in any applicable action as defined by this subsection. Permissible reasons for failing to reach a settlement under this subsection shall be limited to one or more of the following:

"(A) The settlement offer from the municipality does not meet the cost allocation criteria specified in this subsection.

"(B) The municipality refuses to agree to settlement terms routinely required in consent decrees under subsection (g) of this section.

"(C) Insufficient information exists to permit a cost allocation.

If the President invokes subparagraph (C) as the reason why a settlement cannot be reached, the moratorium on initiating or pursuing action in applicable actions under this subsection shall be extended until sufficient information is acquired. The completing of a remedial investigation/feasibility study for the portion of the response action

or the completion of an assessment of damages that is the subject of the municipality's request for settlement shall be deemed to provide sufficient information to reach a settlement for such portion or damages under this subsection. If the President has completed a settlement with a party other than the municipality requesting a settlement, such settlement creates a rebuttable presumption that the President cannot invoke subparagraph (C) as a reason for failing to reach a settlement with the municipality concerning matters addressed in the other party's settlement, unless the other settlement was reached pursuant to subsection (g) of this section.

"(4) EXPEDITED FINAL SETTLEMENT.—Settlements under this subsection shall—

"(A) require the municipality to pay for costs based on the quantity of hazardous constituents within municipal solid waste and sewage sludge, not the overall quantity of municipal solid waste and sewage sludge, but municipal solid waste and sewage sludge shall not be deemed to contain more than one-half of one percent (0.5%) constituent hazardous substances unless the President obtains reliable site-specific evidence to the contrary during the moratorium period defined above in paragraph (3);

"(B) limit a municipality's payments if such payments would force a municipality to dissolve, to declare bankruptcy, or to default on its debt obligations; and

"(C) be reached even in the event that a municipality may be liable for response costs or damages in actions other than applicable actions under this subsection, although the President may elect to exclude liability, costs, or damages not covered by this subsection from settlements under this subsection.

"(5) COVENANT NOT TO SUE.—The President shall provide a covenant not to sue with respect to the facility concerned to any municipality which has entered into a settlement under this subsection unless such a covenant would be inconsistent with the public interest as determined under subsection (f) of this section.

"(6) CONSENT DECREE OR ADMINISTRATIVE ORDER.—A settlement under this subsection shall be entered as a consent decree or embodied in an administrative order as described in subsection (g)(4) of this section.

"(7) EFFECT OF AGREEMENT.—A municipality that has resolved its liability to the United States under this subsection shall not be liable for claims of contribution or for other response costs or damages under this Act regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

"(8) SETTLEMENT PROVISIONS.—When reaching settlements under this subsection, the President—

"(A) shall not reserve any rights to seek further relief from a settling municipality which the President does not routinely reserve in other settlements under subsection (g);

"(B) shall not seek to have a municipality provide indemnification to the United States;

"(C) shall not require a municipality to act or fail to act in contravention of legal requirements that are of general applicability and were adopted by formal means concerning the assumption and maintenance of municipal fiscal obligations; and

"(D) shall encourage municipalities to enter into settlements that allow them to

contribute services in lieu of money, to make delayed payments, or to make payments over time, through an annuity or other financing device.

"(9) JUDICIAL REVIEW.—Review of the President's action in denying a municipality's request for settlement under this subsection may be had by any interested municipality in the United States district courts in accordance with section 113(b) of this Act. Any such application for review shall be made within 90 days from the date the President publishes an explanation of why a settlement cannot be reached."

SEC. 5. PRELIMINARY ALLOCATION OF RESPONSIBILITY.

(a) MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—Section 122(e)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting the following sentence between the second and third sentences: "Under these guidelines, the volume of municipal solid waste and sewage sludge shall refer to the quantity of hazardous constituents within municipal solid waste and sewage sludge, not the overall quantity of municipal solid waste and sewage sludge."

(b) REQUEST BY MUNICIPALITIES.—Section 122(e)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subparagraph at the end thereof:

"(F) REQUEST BY MUNICIPALITIES.—If a municipality requests the President to prepare a nonbinding preliminary allocation of responsibility, the President shall provide such an allocation unless he provides a written explanation of why such an allocation would be contrary to the public interest."

SEC. 6. RETROACTIVITY.

The amendments made by this Act shall apply to each municipality and other person against whom administrative or judicial action has been commenced before the effective date of this Act, unless a final court judgment has been rendered against such municipality or other person or final court approval of a settlement agreement including such municipality or other person as a party has been granted. If a final court judgment has been rendered or court-approved settlement agreement has been reached that does not resolve all contested issues, such amendments shall apply to all contested issues not expressly resolved by such court judgment or settlement agreement.

SECTION-BY-SECTION ANALYSIS OF THE TOXIC CLEANUP EQUITY AND ACCELERATION ACT OF 1991

SECTION 1—SHORT TITLE

The short title of the legislation is the "Toxic Cleanup Equity and Acceleration Act of 1991" (TCEAA). The legislation contains amendments to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§9601 *et seq.* Any reference to "CERCLA" or "Superfund" should be construed as a reference to that act.

SECTION 2—AMENDMENTS TO CERCLA DEFINITIONS

This section adds three definitions to CERCLA. The section does not alter any existing definitions under CERCLA and thus, for example, continues to define "person" as virtually any public or private entity or natural person, including federal, state, and local governments.

The section defines "municipal solid waste" (MSW) as including all waste materials generated by households and office buildings, as well as waste from other

sources when it is similar to household waste. The definition also includes small amounts of hazardous waste that can legally become part of the municipal waste stream under the Resource Conservation and Recovery Act, 42 U.S.C. §6921(d). The term includes all constituent components of MSW, even though some of them might be deemed hazardous substances under CERCLA when they exist apart from MSW. The term does not include incinerator ash.

The section defines "sewage sludge" as essentially any residue removed during the treatment of waste water at a publicly-owned treatment works.

The section defines "municipality" to be any political subdivision of a state and includes individuals who act in an official capacity on behalf of a municipality.

SECTION 3—THIRD-PARTY SUITS FOR MSW OR SEWAGE SLUDGE

Under CERCLA, "potentially responsible parties" (PRPs) who have been notified by EPA that they may be liable for cleanup costs have the right to sue other parties who may also be responsible for the hazardous waste site. Such "third-party" or "contribution" suits provide PRPs a mechanism for making other polluters share the cleanup costs.

This section modifies CERCLA to prevent third-party contribution suits against municipalities or other persons if their only actions were related to the generation or transportation of MSW or sewage sludge. If municipalities owned or operated a facility, or generated or transported waste materials that do not meet the definitions of municipal solid waste and sewage sludge, the block on third-party suits does not apply.

This section also codifies EPA's Interim Municipal Settlement Policy. It states that the President cannot sue municipalities or other persons who merely generated or transported MSW or sewage sludge, unless "truly exceptional circumstances" exist. These circumstances exist when the President has reliable evidence from a particular site that hazardous substances have been released that are not ordinarily found in MSW or sewage sludge and that those substances have come from commercial, institutional, or industrial processes, not households. Truly exceptional circumstances also exist when the toxicity and volume of waste from commercial, institutional, and industrial sources is insignificant compared with the toxicity and volume of the MSW or sewage sludge, or when absent all the hazardous substances from commercial, institutional, and industrial sources, the hazardous substances from municipal solid waste or sewage sludge would be a significant cause of the contamination requiring the cleanup.

The section identifies two specific situations that do not constitute truly exceptional circumstances. First, when MSW or sewage sludge have been contaminated with hazardous substances at a waste transfer station, the generator or transporter of the original MSW or sewage sludge is not held responsible for the subsequent contamination (unless the generator or transporter also owned or operated the waste transfer station). Second, when sewage sludge has been approved by the President for "beneficial reuse," or would have so qualified at the time of disposal, such sludge cannot be the basis for the President bringing a lawsuit under Superfund.

SECTION 4—SETTLEMENTS

The section creates a special settlement approach for municipal generators and transporters of MSW and sewage sludge.

When a municipality is notified by any person that it may be sued for generating or transporting MSW or sewage sludge, the section permits the municipality to request the President to enter into a settlement for all or part of the municipality's potential liability. The section requires that the settlement must be reached within 120 days, unless specific conditions are met.

Once the municipality requests a settlement, a moratorium on administrative or judicial action against the municipality begins, and it continues until a negotiated settlement is reached or until the President publishes an explanation of why a settlement cannot be reached. A municipality may ask a federal district court to review the President's decision denying the request for settlement.

The section provides for only three acceptable reasons for failing to settle: the municipality refuses to pay according to specific cost allocation criteria (see next paragraph), the municipality refuses to agree to settlement terms routinely required by the President in settlements with parties who bear insignificant responsibility for sites, or there is insufficient information to allocate costs. If the President believes there is insufficient information, the moratorium is extended until enough information is obtained, but a completed remedial investigation/feasibility study (RI/FS) is deemed to provide sufficient information, at least for the portion of the site studied in the RI/FS. Also, if the President has settled with another party (other than a *de minimis* party), it is presumed that he has enough information to settle with the municipality regarding matters addressed in the prior settlement.

The section requires a municipality to pay for costs based on the portion of its MSW or sewage sludge that consists of hazardous substances, not on the total volume of the waste. MSW and sewage sludge are assumed to contain no more than one-half of one percent (0.5%) constitute hazardous substances unless the President obtains reliable site-specific evidence to the contrary.

SECTION 5—PRELIMINARY ALLOCATION OF RESPONSIBILITY

This section provides that at the request of a municipality, the President must prepare a nonbinding preliminary allocation of responsibility, unless doing so would be contrary to the public interest. In such allocations, the volume of MSW and sewage sludge must refer to the portion of its MSW or sewage sludge that consists of hazardous substances, not on the total volume of the waste.

SECTION 6—RETROACTIVITY

This section provides that the TCEAA applies to all administrative or judicial actions that began before the effective date of the TCEAA, unless a final court judgment has been rendered or a court-approved settlement agreement has been reached.

By Mr. PELL:

S. 1558. A bill to direct the Secretary of Transportation to take certain action in connection with the outporting of certain vessels; to the Committee on Commerce, Science, and Transportation.

READY RESERVE FLEET HOMEPORING POLICY

Mr. PELL. Mr. President, I am introducing a bill to assure reasonable continuity of homeporting for ships of the Ready Reserve Fleet in the wake of deactivation from Operation Desert Storm.

The bill is identical to an amendment proposed by my colleague from Rhode Island, Representative JACK REED, to H.R. 1416, the Maritime Administration authorization bill. The amendment was accepted in committee and the legislation is now pending before the House.

The bill I am introducing, like the Reed amendment, simply requires that the same number of ships be outported in a given location as were there on August 1, 1990, but makes allowance for the military's preference for placing ships with longer activation schedule at more distant ports.

Our concern is based on a recent change in the Maritime Administration's outporting policy, as a result of which ships that had been anchored in Narragansett Bay, RI, prior to activation for Operation Desert Shield will not be returned.

The new outporting policy properly recognizes that ships with short activation schedules of less than 10 days be homeported near major military loading ports in the south Atlantic and Gulf Coast States to accommodate initial surge requirements. But it fails to acknowledge that more distant ports can properly be utilized for vessels with longer activation schedules.

My bill would simply require that if a vessel which had been outported in a given location prior to August 1, 1990, is moved to a new location to comply with the new policy, it should be replaced with a vessel with a longer activation schedule of more than 10 days.

Under policies which prevailed prior to Operation Desert Shield, five vessels of the Ready Reserve Fleet had been homeported in Narragansett Bay, generating some \$10 million in business in the State, through mooring fees, repair and service charges, activation contracts and Navy reserve training activities. The loss of this revenue would be a blow to the Rhode Island economy at this time of recession, conditions aggravated by a serious banking crisis.

In my view, there simply is no justification for arbitrarily terminating the use of an anchorage area with outstanding and proven homeporting facilities, as offered by Narragansett Bay. I urge acceptance of this measure to correct the shortcomings of the new outporting policy.

By Mr. DASCHLE:

S. 1559. A bill to make a technical correction with respect to the temporary duty suspension for clomiphene citrate; to the Committee on Finance.

DUTY SUSPENSION FOR CLOMIPHENE CITRATE

• Mr. DASCHLE. Mr. President, I am introducing today non-controversial legislation to make a technical correction to the temporary duty suspension on clomiphene citrate, a pharmaceutical preparation approved by the Food and Drug Administration and used for the treatment of human infer-

tility. There are no U.S. manufacturers of clomiphene citrate, and it is imported into the country in bulk form and finished form. Both forms of clomiphene citrate were within the scope of the temporary duty suspension that prevailed under the Tariff Schedules of the United States [TSUS].

When the conversion was made from the TSUS to the Harmonized Tariff Schedule of the United States [HTSUS] on January 1, 1989, the finished form of clomiphene citrate was inadvertently omitted from the scope of the duty suspension, most likely because the HTSUS, unlike the TSUS, distinguishes between finished and bulk products, resulting in two separate tariff classifications. To remedy this omission, this bill amends the temporary duty suspension language so that it refer to the tariff classification numbers of both forms of clomiphene citrate.

Mr. President, I urge my colleagues to give this bill favorable consideration.

By Mr. JOHNSTON (by request):

S. 1560. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

PRESERVATION OF ADDITIONAL HISTORIC PROPERTY

• Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Advisory Council on Historic Preservation, I send to the desk a bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Advisory Council on Historic Preservation, and I ask unanimous consent that the bill and the executive communication which accompanied the proposal from the Chairman of the Advisory Council be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. Section 470 et seq.) is further amended as follows: (a) Section 212(a) is amended by deleting the last sentence and inserting in lieu thereof the sentence "There are authorized to be appropriated not to exceed \$5,000,000 in each fiscal year 1992 through 1996."

ADVISORY COUNCIL ON
HISTORIC PRESERVATION,
Washington, DC, July 9, 1991.

The VICE PRESIDENT,
U.S. Senate,
Washington, DC.

DEAR MR. VICE PRESIDENT: Enclosed is a bill amending the National Historic Preservation Act of 1966, as amended, that will continue the appropriations authorization for the Advisory Council on Historic Preservation. Established in 1966, the Council is an independent Federal agency responsible for advising the President and the Congress on historic preservation matters and commenting to Federal agencies on the effects of their activities upon significant historic properties.

In 1988, the Council requested the President and the Congress to amend Section 212 of the National Historic Preservation Act of 1966 (16 U.S.C. Section 470t) to continue the appropriations authorization for the Council at a level of \$2.5 million from FY 1990 through FY 1994. That authorization was subsequently enacted as Public Law 101-70 on August 3, 1989.

However, due to unanticipated increases in program levels, we now find that the President's FY 1992 budget request exceeds that authorization. Accordingly, the Council now requests that the Congress enact a revised appropriation authorization, at a level of \$5 million annually for FY 1992 through FY 1996. We recommend that the enclosed bill be referred to the appropriate committee for consideration, and that it be enacted.

Sincerely,

JOHN F.W. ROGERS,
Chairman.

By Mr. HATFIELD:

S. 1561. A bill to declare that certain public domain lands are held in trust for the Confederated Tribes of Siletz Indians of Oregon; to the Select Committee on Indian Affairs.

SILETZ RESERVATION ADDITION ACT

• Mr. HATFIELD. Mr. President, I rise today to introduce legislation on behalf of the Confederated Tribes of Siletz Indians of Oregon. This bill, which I first introduced in the 101st Congress, is designed to assist the Siletz Indians in their quest to achieve economic self-sufficiency, enhance their opportunities to exercise a higher level of self-determination and sovereignty in the management of their natural resources, maintain their environmental integrity through the positive use of natural resources, and foster the protection of third-party interests.

My legislation offers a model to further the U.S. stated policy of Indian self-determination by authorizing the tribe to voluntarily waive certain legal trust responsibilities borne by the Government in its management of Indian timberlands, and in the marketing of its timber. The Siletz Tribe has requested this new and innovative authority in an effort to assume greater management control over its resources and to take advantage of rapidly changing timber marketing conditions. The United States would be held harmless by the tribe in its exercise of this authority.

Under the provisions of this bill, the tribe would exercise a new dimension of self-determination over approximately 11,500 acres of public domain timberlands which would be transferred to the tribe and added to its present 3,600-acre reservation. These lands consist of over 100 parcels ranging in size from 20 to 500 acres. The lands are located wholly in Lincoln County, OR, and are managed by the Department of the Interior's Bureau of Land Management [BLM]. The fragmented nature of these lands currently poses management problems for the BLM which would be resolved by transfer of the land to the Siletz Tribe.

Historically, the Siletz Tribe occupied a 1,200,000-acre reservation in Western Oregon. The timber, wildlife, waterfowl, fruit, and berries located on the reservation provided the tribe with shelter and sustenance. Yet, misguided Federal Indian policies eased the way for powerful economic interests to acquire virtually all of this land. The tribes unique relationship with the United States was terminated by yet another misguided Indian policy in the 1950's. This so-called termination policy was designed to free Indians from the burdens of Federal trusteeship and open the doors of opportunity to mainstream America. The shortcomings and failures of this policy are well documented and require no further elaboration at this time.

In the 1970's, I sponsored legislation in the Senate to provide for the restoration of the Siletz Tribe's unique relationship with the United States. My legislation was enacted into law in 1977, and placed the tribe in a position to launch efforts to achieve economic self-sufficiency.

Following restoration, the Siletz Tribal Council made a conscious decision to exercise its full range of options under the Indian Self-Determination Policy to give meaning and substance to its inherent sovereign powers. The council assumed control and management—save for legal trust responsibilities—over the programs of the Bureau of Indian Affairs and Indian Health Service pursuant to contractual arrangements.

I am pleased to note the council has managed its Federal grants and contracts in a responsible and business-like manner. Federal audits of grants and contracts over several years have failed to disclose a single disallowed expenditure. I believe further the council is applying the same responsible and business-like management qualities to all of its economic development endeavors.

While the Siletz Tribe has demonstrated important progress, its future economic growth is inhibited by an inadequate land and timber base. The 3,600-acre reservation, along with a projected \$8 million in Federal contracts and grants, was thought to be

sufficient to provide an opportunity for tribal economic self-sufficiency. By 1983, however, the tribe realized that projected revenue from timber sales and Federal sources were overly optimistic. They concluded that the only way to achieve economic self-sufficiency was to seek additional land.

The tribe asked for my assistance in sponsoring legislation designed to examine all factors associated with the acquisition of public domain lands in Lincoln County for their beneficial use and ownership. But in making this request, the tribal leadership emphasized to me that they wanted more than a traditional Indian land transfer bill. The leadership expressed a strong desire to be vested with broader resource management authorities. The bill I am introducing today reflects that desire.

Mr. President, I do not want to give the impression that I introduced this measure without some concerns. Major issues need to be resolved before this bill can make a substantial move forward. Therefore, I conclude that a thorough study of the impacts of the tribe's plan must be examined through the Senate's legislative process.

As many of my colleagues are aware, the Northwest is in the midst of a highly polarized debate over the future of its forests. I speak specifically of the debate over the fate of the northern spotted owl—a species listed as threatened by the U.S. Fish and Wildlife Service. At this time, the final protection plan for the owl is unknown, both for the short- and long-term. In fact, several different proposals have been formulated designed to protect the spotted owl throughout its range.

The first of these protection measures was developed by a group of Northwest biologists called the Interagency Scientific Committee [ISC], which issued a report making recommendations for the protection of the northern spotted owl. The ISC report includes a plan to set aside habitat to assure the viability of the owl. This plan is primarily based on large set-asides of land called Habitat Conservation Areas [HCA's] and may form the basis for future protection of the owl. An initial look at the ISC report would indicate that about half of the proposed Siletz reservation addition lands contained in this bill are located in potential HCA's.

Not only does the tribe have to contend with the Interagency Scientific Committee's HCA's, it must also deal with spotted owl protection measures being developed by the U.S. Fish and Wildlife Service. These in-depth protection measures, ordered by the Federal courts, have broadened the scope of the ISC's recommendations to include an additional set-aside of 4 million acres of timberland for owl habitat. Because the final U.S. Fish and Wildlife owl protection areas have not been finalized, it is unclear at this time how the

land the Siletz Tribe wishes to acquire under this bill will be affected by this designation.

Timber management activities envisioned by the tribe are clearly contrary to the minimal management schemes advocated by the Interagency Scientific Committee and the Fish and Wildlife Service for spotted owl habitat areas. Therefore, a transfer of these lands would do the tribe little good if the areas in question were set aside for habitat conservation.

These major timber management questions must be resolved prior to any actual land transfer to the Siletz Tribe. Nevertheless, this should not stop the Select Committee on Indian Affairs from holding hearings to examine the underlying concepts of self-sufficiency and enhanced, responsible resource management contained in my legislation.

There is no question that the innovative tribal timber management concepts in this legislation will stir up controversy because they depart from the more traditional view of trust responsibility. Clearly, there have been recent examples of trust mismanagement suggesting a more independent tribal role is warranted. Others will argue, however, that eroding the Federal Government's role in overseeing management of trust resources is not in the long-term interest of Indian tribes. These issues need to be explored. I am introducing this legislation today in order to stimulate discussion and provide a forum for their debate.

Mr. President, I ask unanimous consent that the text of my bill and section-by-section analysis be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. For purposes of this Act—

(1) The term "Tribe" means the Confederated Tribes of Siletz Indians of Oregon.

(2) The term "Secretary" means the Secretary of the Interior.

DECLARATION OF TRUST

SEC. 2. (a) The Secretary shall declare that all rights, title, and interests of the United States in the surface and mineral estates of certain lands located in Lincoln County, Oregon, that are public domain lands other than—

(1) National Forest lands,

(2) the lands of the Oregon and California Railroad, and

(3) Yaquina Head,

are held in trust by the United States for the benefit of the Tribe.

(b) Lands that are declared to be held in trust under subsection (a) shall be part of the reservation of the Confederated Tribes of Siletz Indians of Oregon.

(c) The Secretary shall publish in the Federal Register a legal description of the lands

that are declared to be held in trust under subsection (a).

MANAGEMENT OF RESOURCES

SEC. 3. (a)(1) Notwithstanding the Act of September 4, 1980 (94 Stat. 1072; 25 U.S.C. 711e note); sections 2116 and 2118 of the Revised Statutes (25 U.S.C. 177, 180); the Act of February 16, 1889 (25 Stat. 673; 25 U.S.C. 196); sections 5, 7, and 8 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 202, 407, 406); section 6 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 466); or any other provision of law, the Tribe is authorized to—

(A) manage, harvest, remove, sell, or otherwise alienate any timber, any interests in timber, or any other surface or subsurface resources on any lands held by, or in trust for, the Tribe, and

(B) perform any other activities on such lands incidental to the activities described in subparagraph (A), including forest presale activities and road construction and maintenance.

(2) Notwithstanding any other provision of law—

(A) the United States shall not be responsible for the care or management of any lands for which the Tribe has assumed responsibility under paragraph (1), and

(B) the United States shall not be liable for any action or omission of the Tribe that arises in connection with the activities the Tribe is authorized to conduct under paragraph (1).

(b)(1) If the ordinances of the Tribe do not include an ordinance adopted in consultation with the Secretary and the Oregon State Forester that is substantially in accord with the Oregon Forest Practices Act (Or. Rev. Stat. 527.610, et seq.) and the rules promulgated under such Act, the Tribe shall enforce such Act and rules with respect to lands held by, or in trust for, the Tribe as though such Act and rules were ordinances of the Tribe. The Secretary shall publish in the Federal Register any ordinance of the Tribe that is substantially in accord with such Act and rules and any amendments to such ordinance. Any amendments to such ordinance shall be made in consultation with the Secretary and the Oregon State Forester.

(2)(A) Notwithstanding the sovereign immunity of the Tribe, the State of Oregon or any person who is damaged by any action or omission of the Tribe that constitutes a violation of—

(i) an ordinance of the Tribe that is substantially in accord with the Oregon Forest Practices Act and the rules promulgated under such Act, or

(ii) if such an ordinance is not in effect, the Oregon Forest Practices Act or any rule promulgated under such Act,

may bring a civil action in the tribal court of the Tribe to compel compliance, to seek compensation for such damages, or to obtain compliance and compensation.

(B) If the Tribe does not have a tribal court, the State of Oregon or any person described in subparagraph (A) may bring a civil action in the United States District Court for the District of Oregon to obtain the relief described in subparagraph (A) and the United States District Court is authorized to provide that relief.

(C) The Tribe may be held liable for damages in any civil action brought under subparagraph (A) or (B) only to the extent that the United States would have been held liable for damages if the Secretary were responsible for the action or omission upon which the civil action is based.

(D) The courts of the State of Oregon shall not have jurisdiction over any civil action

described in subparagraph (A) and shall not have the authority to provide the relief described in subparagraph (A).

(c)(1) If the Tribe assumes responsibility under subsection (a)(1) for any of the activities described in subsection (a)(1), the Tribe may terminate such responsibility by providing notice of such termination to the Secretary. The termination shall take effect on either—

(A) the date that is 1 year after the date on which notice of the termination is submitted to the Secretary, or

(B) a date upon which the Secretary and the Tribe have agreed.

The Secretary shall publish in the Federal Register advance notice of the date on which such termination is to take effect.

(2) The termination under paragraph (1) of any responsibility assumed under subsection (a)(1) shall not—

(A) affect the liability of the Tribe arising out of any action or omission of the Tribe that occurred on or before the effective date of the termination,

(B) transfer any liability to the United States for such actions or omissions,

(C) obligate the United States to reforest any area, or otherwise remedy any condition, by reason of such actions or omissions, or

(D) affect the eligibility of the Tribe for any services or assistance that are provided by the Secretary to Indian tribes because of their status as Indian tribes.

(d)(1) For each fiscal year for which the Tribe assumes responsibility under subsection (a)(1) for any of the activities described in subsection (a)(1), the Secretary shall pay to the Tribe, out of funds appropriated for such fiscal year under the authority of the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act, an amount that equals or exceeds the amount of funds the Tribe would have received for such fiscal year for carrying out such activities under a contract entered into with the Secretary for such fiscal year under the Indian Self-Determination Act if the Tribe had not assumed responsibility for such activities under subsection (a)(1).

(2) If the Tribe receives funds under paragraph (1) for any fiscal year—

(A) the Tribe shall submit to the Secretary a report which provides an accounting of how the funds were expended, and

(B) the Comptroller General of the United States is authorized to conduct, at the discretion of the Comptroller, an audit of the Tribe with respect to the expenditure of such funds.

PROCEEDS FROM RESOURCES

SEC. 4. (a) Notwithstanding any other provision of law, the proceeds from the sale of timber on, or the sale of any other surface or subsurface resource of, lands held by, or in trust for, the Tribe that occur after the date of enactment of this Act (including sales occurring after such date under a contract that was entered into by the United States prior to the date of enactment of this Act) shall be paid to the Tribe.

(b) None of the proceeds described in subsection (a) that are paid to the Tribe shall be subject to Federal or State income taxes or be considered as income or resources of the members of the Tribe in determining eligibility for, or the amount of assistance under, the Social Security Act or any other program assisted by the Federal Government.

PAYMENTS IN LIEU OF TAXES

SEC. 5. In order to offset the loss of revenue caused by the other provisions of this Act,

the Tribe shall pay to the County of Lincoln, Oregon, 1.5 percent of the gross revenues from timber harvested from the lands that are declared to be held in trust for the Tribe under section 2(a).

CONSTRUCTION OF THIS ACT

SEC. 6. Nothing in this Act, and no actions taken by reason of this Act—

(1) shall affect any rights any person (other than the United States) has on the day before the date of enactment of this Act in the lands that are declared to be held in trust for the Tribe under section 2(a),

(2) shall be construed to authorize the taxation of timber on such lands or of any interest in, or resources located on, such lands,

(3) shall be construed to authorize the alienation of any interest of the Tribe in any real property other than timber or other surface or subsurface resources or such lands,

(4) shall affect the responsibility of the United States to protect the lands held in trust for the benefit of the Tribe, and lands otherwise subject to restrictions imposed by the United States on alienation, from taxation and from alienation of any interest in such lands, other than in the timber, surface resources, or subsurface resources on such lands.

(5) shall preclude the Secretary from approving under part 151 of title 25 of the Code of Federal Regulations applications for trust status for any additional lands acquired by the Tribe.

(6) except as provided in section 3(b) and paragraph (7), affect the regulatory authority of the Tribe over lands held by, or in trust for, the Tribe,

(7) shall grant or restore any hunting, fishing, or trapping rights of any nature, including any indirect or procedural right of advantage to the Tribe or any member of the Tribe, or

(8) shall diminish any hunting, fishing, or trapping rights that existed prior to the date of enactment of this Act.

PUBLIC ACCESS

SEC. 7. The Tribe may restrict access to the lands that are declared to be held in trust for the Tribe under section 2(a) to the extent that the Secretary is allowed to impose or enforce restrictions on access to public domain lands under Federal law.

TIMBER EXPORTS

SEC. 8. (a) The Tribe shall offer not less than 50 percent of the total sales volume for each year of timber harvested from the lands declared to be held in trust for the Tribe under section 2(a) for sale, through public auction, to United States firms that agree to use the timber purchased for production in the United States of wood products.

(b) Except as otherwise provided in subsection (a), no restrictions shall apply to the exportation of timber harvested from, or other surface or subsurface resources removed from, the lands that are declared to be held in trust for the Tribe under section 2(a).

(c) Nothing in this Act may be construed to impose any restrictions on the export of timber harvested from, or other surface or subsurface resources removed from, any lands held by, or in trust for, the Tribe other than the lands declared to be held in trust for the Tribe under section 2(a).

SECTION-BY-SECTION ANALYSIS OF THE SILETZ LAND ACQUISITION BILL

Section 1. *Definitions.*—The term "Tribe" is defined to mean the Confederated Tribes of Siletz Indians of Oregon; and the term "Secretary" to mean the Secretary of the Interior.

Section 2. *Declaration of Trust.*—Section 2(a) declares that all rights, title, and interests of the United States in the surface and subsurface estates of certain lands located in Lincoln County, Oregon, are held in trust by the United States for the Tribe. These lands are scattered and isolated tracts presently managed by the Bureau of Land Management. Several tracts are surrounded by Forest Service lands. Expressly excluded are Forest Service lands, the lands of the Oregon and California Railroad, and Yaquina Head.

Section 2(b) declares that the lands to be held in trust for the Tribe are part of the Tribe's reservation.

Section 2(c) requires that the Secretary publish in the Federal Register a legal description of the lands to be held in trust.

Section 3. *Management of Resources.*—Section 3(a)(1) provides that, notwithstanding any other provision of law, the Tribe is authorized to manage, harvest, remove, sell, or otherwise alienate any interests in timber or any surface or subsurface resources on lands held in fee by the Tribe and lands held in trust for the Tribe, including those lands presently in trust and those to be held in trust upon enactment of this legislation. The Tribe is also authorized to perform any other activities on any and all of its lands, whether in fee or trust, incidental to the use of the surface and subsurface resources of the land, including forest pre-sale activities and road construction and maintenance. Section (3)(1) does not authorize the alienation of any land held or to be held in trust for the Tribes.

Section 3(a)(2) provides that, notwithstanding any other provision of law, the United States shall not be responsible for the care and management of any lands for which the Tribe has assumed responsibility. Furthermore, the United States would not be liable under its trust obligation for any act or omission of the Tribe where the Tribe exercises its authority to manage and care for Tribal lands.

Section (b)(1) requires the Tribe to enforce the Oregon Forest Practices Act (Or. Rev. Stat. 527.610, et seq.) and the rules relating to that Act, unless the Tribe's ordinances include an ordinance that is substantially in accord with that Act. If the Tribe adopts such an ordinance, it must do so in consultation with the Secretary and the Oregon State Forester and the ordinance must be published in the Federal Register.

Section (b)(2) provides that, notwithstanding the sovereign immunity of the Tribe, the State of Oregon or any person who is damaged by any act or omission of the Tribe under a tribal ordinance that is substantially in accord with the Oregon Forest Practices Act or that Act, if the Tribe has no such ordinance, may bring a civil action in tribal court or, if the Tribe does not have a court, in Federal District Court. The Tribe may be held liable for damages only to the extent the United States would have been held liable if the Secretary were responsible for such act or omission.

Section (c)(1) provides that the Tribe may terminate its responsibility for the management and care of its lands by notifying the Secretary. The termination becomes effective one year after the date the notice is submitted to the Secretary or a date upon which the Secretary and the Tribe have agreed. Such termination shall not affect the liability of the Tribe for any act or omission by the Tribe that occurred on or before the effective termination date; transfer any such liability to the United States; or obligate the United States to reforest or otherwise remedy any condition that is the fault of the

Tribe. Termination of tribal responsibility shall not affect the Tribe's eligibility for services or assistance that are provided to Indian tribes because of their special status.

Section 3(d) requires that, for any year in which the Tribe assumes responsibility for the management and care of its lands, the Secretary shall pay to the Tribe the amount of Snyder Act funds the Tribe would have received under a 638 contract to perform such activities. The Tribe is required to account to the Secretary for its use of the funds and the Comptroller General is authorized to audit the Tribe's use of the funds.

Section 4. *Proceeds From Resources.*—This section provides that proceeds from the sale of timber or any other surface or subsurface resources shall be paid to the Tribe. None of the proceeds shall be subject to Federal or State income taxes or be considered as income or resources of tribal members in determining eligibility of tribal members or amounts of assistance under the Social Security Act or any other Federal or federally assisted program.

Section 5. *Payment in Lieu of Taxes.*—This section requires the Tribe to pay to Lincoln County 1.5 percent of the net revenues from timber harvested from the lands added to the reservation under this Act.

Section 6. *Construction of this Act.*—This section provides that nothing in this Act and no action taken by reason of this Act shall affect certain rights of the Tribe, the United States, or third parties. (See bill for details).

Section 7. *Public Access.*—The Tribe is permitted to limit access to the lands to be held in trust under this Act to the extent the Secretary is now authorized to limit access.

Section 8. *Timber Exports.*—Section 8(a) requires the Tribe to offer for sale, through public auction, not less than 50 percent of the total annual sales volume of timber harvested from the lands to be held in trust under this Act, provided that such firms agree to use the timber for production of wood products in the United States.

Section 8(b) provides that no other restrictions shall apply to the exportation of timber or other surface or subsurface resources removed from the lands to be held in trust under this Act.

Section 8(c) preserves the right of the Tribe to export timber or other resources on lands held by the Tribe in fee or by the United States in trust other than the lands to be held in trust under this Act.●

By Mr. BRADLEY:

S. 1562. An Act to amend the Higher Education Act of 1965 to establish a higher education loan program in which the amount of a student's loan repayment is contingent upon such student's income, and for other purposes; to the Committee on Finance.

SELF-RELIANCE SCHOLARSHIPS

● Mr. BRADLEY. Mr. President, when I sit down with middle-income families in New Jersey, the talk always turns to the economic pressures we're all feeling. And always the No. 1 or No. 2 concern is the same—the cost of a college education. As public and private tuitions skyrocket and aid dries up for, the best way for kids to get ahead is drifting out of reach.

I rise today, Mr. President, to talk about finding a way to lift the barrier between young people with ability and the education they deserve and our Na-

tion needs. Before I describe the Self-Reliance Scholarship Program in some detail, let me tell you about the reactions of some New Jersey families to the idea.

One woman wrote to me about the dilemma her younger sister faces. "Her choices were severely curtailed by our parents' modest, middle-class income, and the fact that she is the last remaining dependent child in their home. Even though my parents are 'better off' than in the 1970's, my sister does not even have the same opportunity I had 14 years ago. I think your idea is great!"

I also heard from a woman who pointed out that with the rate of inflation in college costs, young people begin to worry about their own children even before they have paid off their own loans. "My husband and I have been married for 3 years," she wrote, "and even though we don't have children yet, we have already started saving for college, because it seems the only way we can afford it."

Other parents face a cruel choice between trying to pay for their families' needs today or save for the education they will need tomorrow. One father wrote me, "I have been working myself up into a lather trying to determine how on Earth I am going to get four children through college when I am living from hand to mouth today."

The hurdles are just as great for working people who understand that education must be a lifetime activity. One single parent described her struggle to earn a bachelor's degree in accounting. Her employer had offered tuition reimbursement, but canceled the benefit to cut costs in a merger. She paid for her first semester with a cash advance on her credit card. Now she faces high medical bills, and she wrote to me, "My dream of ever going back to college is gone." But self-reliance scholarships, she says, would be "the light at the end of the tunnel."

In a highly competitive international work force where quality and skills are the only resources that matter, higher education cannot be a luxury. It cannot be a luxury for our economy and it cannot be a luxury for individuals with ability.

Parents and students may not be familiar with this statistic, but they know from experience that a college graduate will earn about 60 percent more than someone with just a high school diploma. A college degree is worth as much as \$500,000 over a lifetime. Our economy rewards college graduates because we need their skills so deeply.

Self-reliance scholarships harness the value of a college education—the 60 percent higher salary, the \$500,000—to get over the hurdle of paying for it. Student's own earning potential, not what their parents happen to earn, would open the door to whatever col-

leges they could get into. Students whose families earned too little to pay a State college tuition would not be turned away. Students whose families might earn a little too much to get aid under current programs would not be turned away.

Self-reliance scholarships would give anyone, at any age up to 50, up to \$33,000 for higher education, which they would pay back as a percentage of their income. And the percentage would be flexible. If you took out \$10,000, for example, you could sign a contract to pay back about 1½ percent of your income for the next 25 years. Or you could agree to pay a little more, say 2½ percent of your income, and pay off your education a little faster, in 15 years.

There would also be a ceiling and a floor on repayments, so that no graduate could avoid paying his or her fair share, and graduates fortunate enough to earn very high incomes would not be penalized for success. A typical student who borrowed \$10,000 and agreed to pay back 1½ percent of income for 15 years would pay no less than \$477 in the first year and no more than \$1,083.

I have developed self-reliance scholarships because the current Federal student loan and grant programs do not meet the needs of today's students. First, those sources of funds are shrinking while the cost of tuition is rising. The Bush administration's answer has been to limit eligibility for Pell grants to families earning less than \$10,000. But those aren't the only families that need help with tuition at today's prices. Trying to choose between the have-nots and the have-not-enoughs reflects a failure of imagination about the value of higher education. It's no choice at all. It's like the choice Secretary of Education Lamar Alexander suggests to parents who can't pay for college: choose a cheaper college. It's time for some fresh thinking about how to pay for college.

Self-reliance scholarships solve this problem by giving everyone a new option. Some students will use them to finance their entire education. Some might use family savings to pay for four-fifths of the cost, and self-reliance scholarships for the rest. Some might use them to pay for the difference between the college they really dream of attending and the one they would have to settle for under the current system. Some students will combine self-reliance scholarships with other grants and loans currently available. The only thing that all of them have in common is that all of these students will pay back their self-reliance scholarships in full.

That goes to the second big problem with the current system—the default rate. Students graduate with loan burdens that they simply can't pay on their starting salaries. So they default. Defaults on guaranteed student loans

will cost more than \$2 billion this year. But self-reliance scholarships would be geared to the ability to pay. Because the payments would be collected through the IRS, there would be no way to avoid repayment. With guaranteed student loans, the taxpayer pays the interest before graduation, the administrative costs, and the defaults. But self-reliance scholarship graduates pay back all the costs of the program. The system would pay for itself.

The third problem with the current system is that it does not meet the needs of nontraditional students. Working Americans need to continually upgrade their skills to get ahead in their jobs and to keep up with changing technology and job requirements. But there is very little help available to independent, nontraditional students. Self-reliance scholarships are the perfect option for such students, who usually have a good sense of just how much more they are going to earn with a better education.

The self-reliance scholarship will require an initial investment to get started before it begins to pay for itself. That pool of starting capital will be paid for, in my proposal, by a temporary 10-percent surtax on millionaires. I hope that the wealthiest Americans will see the importance of making this investment in kids with ability, and in turn, making an investment in the future of the American economy.

Mr. President, I've been very gratified by the response to the self-reliance scholarship proposal. I've talked about it with families in their homes in New Jersey; I've talked about it with students this spring at high school and college graduations; I've talked to college administrators and teachers; and I've talked to my colleagues here and on the House side. From everyone, I've heard the same thing: This is an idea whose time has come. Tuitions are skyrocketing. Aid is shrinking. Self-reliance is the answer.

For the United States to remain the No. 1 economic power in the world, we have to be ready for jobs that involve computers, information, numbers, and intense creativity. We've got to demand more from students, but we also have to promise more. We have to promise that if you work hard, if you have ability, if you believe in yourself, and if you can get into college, you'll be able to go. Self-reliance scholarships will help young people realize that promise by relying on themselves.

Mr. President, I ask unanimous consent to include two summaries of the Self-Reliance Scholarship Program in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF SELF-RELIANCE SCHOLARSHIP PROGRAM

THE NEED FOR THE PROGRAM

The current federal student loan programs are not able to adequately meet the needs of

many of today's students. Federal student aid has shrunk at the same time that tuition costs have increased dramatically. Additionally, many students today do not fit the traditional mold that the federal programs were meant to serve. The growing number of older students needing skills upgrading entering the higher education system are not helped by the current federal student aid programs.

The Bush Administration's answer to this complex problem is to increase the maximum Pell grant to \$3,700 while making ineligible students whose families make more than \$10,000. While this will certainly help some people, it does not address the concerns of anyone but the most impoverished. Student aid programs should be aimed at helping more families to pay for college, not fewer families.

THE SELF-RELIANCE SCHOLARSHIP PROGRAM

This new program would provide money to pay for college to students who promise to pay back a certain percent of their income for a set period of time. Students would have a wide range of payment options. For instance, a student who wanted to borrow \$10,000 could repay 1.5% of her income for 25 years, or 2% for 20 years, or 2.5% for 15 years. At a maximum, a student could borrow \$33,000 by agreeing to repay 5% of income for 25 years. (See Table I) Annual loan amounts could not exceed the cost of annual attendance.

Unlike the Pell and Stafford loan programs, there is no means test for this program. It is open to all US citizens up to age 50, including part-time students. It is not, however, open to students from proprietary schools which historically have had very high student loan default rates.

In order to cover the costs of the program and to ensure that students of all income levels will be attracted to the program, the program has instituted floor and ceiling amounts that borrowers would have to pay back. Anyone earning below 66% of the average salary of college-educated people would still have to pay back a minimum amount. Likewise, if a borrower made over 150% of the average, payments would be capped.

Three Examples of Persons taking out \$10,000 in SRSs (Table II).

For instance, the average student graduating from college who had received \$10,000 would pay in her first year \$477. In her fifth year of employment, she would pay \$554. In her fifteenth year she would pay \$1,254. And, in her last year of payment she would pay \$2,835.

Some people may enter fields that will never pay more than 66% of the average salary for college educated people. Such persons would pay \$477 in their first year of employment, \$554 in the fifth year, \$845 in the fifteenth year and \$1,312 in their last year.

Conversely, some people will enter fields that pay considerable more than the average salary. Such persons would pay back more than other earners, but never more than \$1,083 in their first year of employment, \$1,236 in the fifth year, \$1,920 in the fifteenth year and \$2,981 in their last year.

FINANCING OF THE PROGRAM

Initially, a 10% tax surcharge will be placed on persons with annual incomes over one million dollars. This tax will be levied to pay for the subsidy costs of the program. The principal for the loans will come from bonds to be offered by the Treasury. Because these are unsubsidized direct loans, taxpayers will not be paying for profits to the banks nor for interest subsidies while a student is in school. Eventually the repayments from the

borrowers will be used to recapitalize the program, removing the need for further bond offerings or taxes.

TABLE I—SELF-RELIANCE SCHOLARSHIP PROGRAM, MAXIMUM AMOUNT BORROWED

	25 years	20 years	15 years
Percentage of income:			
1	\$6,540	\$5,330	\$4,140
2	13,100	10,660	8,280
3	19,610	15,990	12,410
4	26,140	21,310	16,550
5	32,680	26,640	20,690

TABLE II.—ANNUAL REPAYMENTS FROM THREE REPRESENTATIVE BORROWERS WHO BORROWED \$10,000 WITH AN AGREEMENT TO REPAY 1.5 PERCENT OF THEIR INCOME FOR 25 YEARS

	Year 1	Year 5	Year 15	Year 20	Year 25
If someone's salary is less than	\$31,774	\$36,259	\$56,309	\$70,172	\$87,447
They pay this	477	544	845	1,053	1,312
If someone's salary is	28,941	36,965	83,578	125,673	188,969
They pay	477	554	1,254	1,885	2,835
If someone's salary is more than	72,213	82,407	127,976	159,481	198,742
They pay	1,083	1,236	1,920	2,392	2,981

¹ Because this person's salary in their first year of employment is below the floor amount, they must pay a minimum amount.

SELF-RELIANCE SCHOLARSHIP PROGRAM LEGISLATIVE SPECIFICATIONS

The Self-Reliance Scholarship provides a new option to assist students in financing their undergraduate and graduate education. Students would be eligible to participate in the program provided they promise a percentage of their future income over the course of 15-25 years for repayment. Key components of the legislation follow:

Creation of a New Self-Reliance Scholarship Program: Establishing a new title under the Higher Education Act, the bill creates a program to assist students in financing their undergraduate and graduate education. Repayment for funds provided under the program is income-contingent, with payments over a number of years based on a percentage of earnings. There is no means test for the program. It is open for all U.S. citizens up to age 50, including part-time students.

Establishment of an Education Trust Fund: A new trust fund, "The Education Trust Fund," would be created. The fund will serve as the source for capital for the program. Initially, the fund will be financed through the issuance of bonds, with the subsidy value of the loan and administrative costs financed through a 10 percent tax surcharge on persons with family income over \$1 million. After the program is operative for a number of years, the fund will become self-sustaining and tax collections will be discontinued.

Management of a New Program within the Department of Education: A new "Office for Self-Reliance Scholarships" would be established within the Department of Education to oversee the program. The Department of Education would have the option of contracting out operations of the program. Such sums as may be necessary for the administration and management of this program are authorized to be appropriated for this office from the revenues collected and deposited to the Trust from the tax described above.

Program Mechanics: Students would apply directly to the undergraduate and graduate institutions to which they have been accepted in order to participate in the program. The Office for Self-Reliance Scholarships will establish agreements with educational institutions to ensure that annual scholarship amounts do not exceed the cost of attendance.

Limitations on Borrowing: The maximum annual limit on borrowing would be set at \$10,000; the lifetime scholarship limitation for a student would be set at \$33,000. The minimum annual borrowing limit would be set at \$500. The amounts awarded under the program do not affect eligibility for other programs under the Higher Education Act.

Repayments to the Trust Fund: All repayments shall be credited to the Education Trust. The loans will be paid back through the income tax system and tied to payroll tax deductions. Participating students could select from a variety of repayment options.

Determination of Repayment Percentage: The percentage of income deducted for repayment will be determined by the total amount borrowed and the number of years a student decides to repay. No student will pay more than 5 percent of their earnings in a given year, nor will any student repay their loan for more than 25 years. The Director of the Office of Self-Reliance Scholarships will determine the percentages to be withheld based on projected earnings of graduates as determined by Current Population Survey data and repayment of principal borrowed from the Trust Fund plus interest set at the lower of the average rate of a 10-year Treasury note and 30-year Treasury bond or 10 percent; currently, this is 8.3 percent.

Treatment of Married Couples: The program mirrors the current tax system in terms of treating students who are married. For married couples who file jointly, income would be calculated as the higher of the individual's income or one half of the joint family income.

Coordination with IRS and Tax System: The Office for Self-Reliance Scholarships will provide taxpayer information to, and coordinate repayment with, the Internal Revenue Service. This will reduce defaults and therefore, save taxpayer money.

Assuring for Broad Based Interest in the Program: Annual upper and lower payment limits would be established to ensure that students who earn very high salaries are not penalized and students earning very low salaries are paying their fair share. Lower and upper limits are set at amounts corresponding to repayments for earners of 66 percent and 150 percent of average income, respectively.

Options for Buying Out of SRS Withholding: The program would include a buyout option which would require the student to repay the principal amount borrowed, plus the interest specified above, plus an appropriate penalty.

Choice of Deferring and Accruing: Students may start repayment as late as the start of the first tax year following graduation. For these students, the amount borrowed will in effect be reduced by the accruing interest amount. Students may decide to not defer payments and start to pay immediately, thereby avoiding this penalty. No student may defer beyond 6 years from the date borrowing was initiated unless permitted to do so by the Director.

Cost Containment: The program includes a provision requiring participating institutions with tuition increases significantly exceeding the Higher Education Price Index to submit reports justifying these increases. After two years, the Director would report to Congress on reasons for these increases and on the efficacy of using this data in conjunction with establishing institutional agreements.

General Provisions: Any additional terms and conditions that the Secretary of the Treasury or Director deem necessary to protect the fiscal interest of the United States

and to ensure effective administration of the program shall be prescribed by regulation. •

Mr. DURENBERGER. Mr. President, I rise today to enthusiastically commend and applaud my distinguished colleague from New Jersey as he introduces legislation offering a radical new approach to financing access to higher education.

The proposal introduced today by Senator BRADLEY would establish a bold new self-reliance scholarship program.

The new program would be available to all students, regardless of their income and with a minimum amount of paperwork and redtape.

It would provide up to \$33,000 in loans to pay tuition and other expenses.

These loans could be used by either full- or part-time students up to age 50 at virtually any college, university, or technical school in America.

Most important, Mr. President, this proposal would allow students to repay their loans over 15 to 25 years—based on their incomes after graduation—not on their personal or family incomes at the time they enroll.

Under this aspect of the proposal, graduates in lower paying jobs would make lower loan payments. As incomes rise, so would the size of their repayments.

In fairness to all participants, an annual floor in payment levels would require every graduate to pay at least something back each year.

And, an annual ceiling on payments would help ensure that graduates with the highest incomes would not be discouraged from participating in the program.

Mr. President, there will be criticisms of some aspects of this proposal as there are of any new way of thinking about an old need.

Indeed, there are other proposals to income-related student loan payments that offer advantages to Senator BRADLEY's approach—and that respond to many of the criticisms that he will receive.

Next week, I intend to introduce legislation of my own that takes a slightly different approach to income-based loan repayment.

But fundamental disagreement over how best to finance higher education does not exist among those who support different ways of tying student loan payment to the incomes of college graduates.

The real difference, Mr. President, is between Senator BRADLEY, myself, and others who support radical change, and those who are focused entirely on fixing and fine tuning the status quo.

Those of us who favor radical change, Mr. President, stand united in our determination to fundamentally reform a system that is unnecessarily bureaucratic and complex—a system that largely neglects the needs of middle-income students and their families—a

system that spends huge amounts of scarce resources on third parties and on administration—money that could be going to support the aspirations of those low-income students who need help the most—a system that institutions, of higher education criticize constantly, but cannot do without.

Senator BRADLEY and I and others are also united in our determination to fundamentally change a system that is losing billions of dollars a year to a rising number of defaults—a system that is limiting institutional, career, and family-related choices of a growing number of students—a system that will become even more burdensome as costs continue to rise and as the ability of State governments to finance their public colleges and universities continues to falter.

Mr. President, we can and should increase and better focus the support we now give through the Pell and other grant programs to our lowest income students.

And, we must be better stewards of the Stafford, Perkins and other Federal loan programs that now serve more than 4 million students annually who are attending America's 8,000 colleges, universities and other higher education institutions.

But, the legislation Senator BRADLEY is introducing today sends a strong signal that fixing and finetuning the present system doesn't go far enough.

The proposal I and others will be introducing next week sends that same strong message.

Working together—Republicans and Democrats, House, Senate, the executive branch—I am confident that we can and will do better and that we can do it in this Congress at the time we reauthorize higher loan funding.

Mr. President, future generations of American students and their families are demanding that we do nothing less.

By Mr. KERRY (for himself, Mr. PELL, Mr. HOLLINGS, Mr. KENNEDY, Mr. STEVENS, Mr. PACKWOOD, Mr. KASTEN, and Mr. GORTON):

S. 1563. A bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes; by unanimous consent, referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources.

NATIONAL SEA GRANT COLLEGE PROGRAM AUTHORIZATION ACT

Mr. KERRY. Mr. President, I am pleased today to have introduced a bill to reauthorize the National Sea Grant Program, a university-based research and advisory program to understand, conserve, and enhance the Nation's ocean and coastal resources.

The National Sea Grant Program was established in 1966 by my good friend and colleague from Rhode Island, Sen-

ator CLAIBORNE PELL. Today, it is a network that encompasses over 300 colleges and universities and 3,000 scientists. The Sea Grant Program is part of the National Oceanic and Atmospheric Administration and is the major bridge between the Federal and academic oceanographic communities.

The Sea Grant Program was begun as a counterpart to the Land Grant Colleges in recognition of the importance of ocean resources to the Nation. I would like to remind my colleagues that the United States currently has more ocean area than land area under its jurisdiction. In addition, nearly 75 percent of the U.S. population now lives within 50 miles of the coast.

Sea Grant emphasizes applied research into such diverse and important topics as marine pollution, global climate change, fisheries development, red tides, marine tourism, marine biotechnology, international policy, and coastal zone management. It also provides our children with opportunities for education and research, ensuring that we will have trained marine scientists to provide the information that will be needed to properly manage and protect our ocean resources into the future.

I would like to mention specifically the Marine Advisory Service of the Sea Grant Program. This is an important service that enables the results of applied research to be disseminated and used in the activities of the marine community. The service provides outreach and technology transfer functions that are essential to improving our economic and technological competitiveness. I feel strongly that this is an important aspect of the Sea Grant Program that should be maintained.

Funding for Sea Grant is provided from Federal, State, and local sources. These are sound expenditures in terms of the economic gains that the program has demonstrated. A recent study estimated that the program returned over \$842 million in economic benefits to the Nation for a 1-year appropriation of \$39 million.

Yet despite the accomplishments and obvious benefits of this important program, the level of support for the program has dwindled over the past decade. In terms of real dollars, the program reached a funding peak in 1978 and declined by 34 percent by 1989. Last year, Congress provided some modest gains so that the program could at least keep pace with inflation.

Mr. President, the bill I am introducing today reauthorizes the National Sea Grant Program through 1995 and provides for modest increases in funding. This program is a very important element in our efforts to protect our environmental security, train young scientists, and maintain our technological and economic competitiveness.

I urge my colleagues to support this bill and this program. I ask unanimous

consent that the full text of the bill be placed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Sea Grant College Program Authorization Act of 1991".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of this Act other than section 211, an amount—

"(1) for fiscal year 1991, not to exceed \$45,000,000;

"(2) for fiscal year 1992, not to exceed \$47,700,000;

"(3) for fiscal year 1993, not to exceed \$50,562,000;

"(4) for fiscal year 1994, not to exceed \$53,596,000; and

"(5) for fiscal year 1995, not to exceed \$56,811,000."

STRATEGIC MARINE RESEARCH PROGRAM

SEC. 3. (a) REPEAL.—Section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125) is repealed.

(b) CONFORMING AMENDMENTS.—(1) The National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) is amended—

(A) in section 204(c)(3) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(B) in section 205(b)(3) by striking "or section 206";

(C) in section 208(c)(5) by inserting "and" immediately after the semicolon;

(D) by striking paragraph (6) of section 208(c) and redesignating paragraph (7) as paragraph (6);

(E) in section 209(b)(1) by striking "sections 205 and 206" and inserting in lieu thereof "section 205";

(F) in section 209(c)(1) by striking "or 206"; and

(G) in section 212(b) by striking "section 206 and".

(2) Section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) is amended to read as follows:

"(A) \$3,375,000 to fund grants under the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and of this amount, \$2,500,000 to fund grants in the Great Lakes region; and".

Mr. PELL. Mr. President, I am joining today with the Senator from Massachusetts, Senator KERRY, in introducing legislation to extend and increase the authorization of the National Sea Grant College Program within the Commerce Department's National Oceanic and Atmospheric Administration.

I take particular pleasure in sponsoring this legislation. The Sea Grant College Program was established 26 years ago by legislation which I authored in cooperation with former Representative Paul Rodgers of Florida. And, in-

deed, my State of Rhode Island has played a central part in the birth and development of the Sea Grant Program.

I conducted the first hearing on proposed Sea Grant legislation at the University of Rhode Island in 1965. Among those who was most helpful in putting forward and developing the concepts on which the program was based was my good friend John Knauss, who served at that time as dean of the Graduate School of Oceanography at the university. And I am pleased that John is serving today as Administrator of the National Oceanic and Atmospheric Administration.

In addition, the first Director of the Sea Grant College Program was Robert Abel, a native of Rhode Island, who did a superb job in guiding the development of the program in its first decade.

The Sea Grant Program, despite limited funding, has played a central role in the development of marine education, applied research, and extension services throughout the United States. If we did not have the Sea Grant College Program today, we would have to invent it quickly to meet our national, regional, and State needs in marine resource protection and development.

Regrettably, the Sea Grant College Program was hobbled during the 1980's by the repeated insistence of the Reagan administration that the program be terminated. Congress, year after year, rejected the termination proposals, but budget constraints resulting from the 1980's fiscal policies have resulted in level funding of the Sea Grant Program for many years.

We are still confronted by severe budget constraints, and the proposed new authorization provides only for modest increases in funding over the next 5 years that will at least allow an avoidance of further erosion of the program through inflation.

The National Sea Grant College Program has been immensely successful in assisting in the protection and development of our Nation's marine resources through the past 26 years. I look forward to speedy action on a new authorization that will permit a continuation of this outstanding program.

Mr. HOLLINGS. Mr. President, today I join with Senator KERRY in introducing a bill to reauthorize the National Sea Grant College Program. This program represents a national vision of oceans policy and a commitment to the sustainable use of our Nation's important Great Lakes and ocean waters.

Since its creation in 1966, when Congress foresaw the need to focus the country's energies on often unused or misused marine resources, the Sea Grant Program has helped direct our Nation's universities toward the study of our coasts and the sea.

As a result, the Sea Grant Program has become a national resource in the areas of water quality research, aqua-

culture, biotechnology, seafood and marine products, fisheries recruitment, ocean and coastal engineering, and marine policy.

More importantly, the Sea Grant Program is problem-oriented and builds bridges between Government and academia, as well as between research laboratories and those who need reliable information. With limited funds, the Sea Grant Program, in partnership with our States, has had substantial and positive economic impacts over its 25-year existence. It has contributed to the competitiveness of the Nation's coastal and marine economy, to the pool of skilled manpower, to scientific achievement, to technology transfer, and to public education on critical resource and environmental issues. It serves as a successful model for multidisciplinary research and for university/industry/Government cooperation for scientific advancement and economic development—items that have been embraced as keystones of national science policy.

In the State of South Carolina, the Sea Grant Program has been active in a number of important areas. For several years prior to Hurricane Hugo, the South Carolina Sea Grant consortium funded researchers who evaluated the vulnerability of coastal structures to wind damage and developed a micro-computer-based system that determines proper roof design under varying conditions. The resulting knowledge about wind-resistant construction was made widely available to architects, contractors, and homeworkers engaged in rebuilding in the aftermath of Hurricane Hugo.

The consortium also has helped to build South Carolina's aquaculture industry. Sea Grant-funded research and extension efforts have enhanced crawfish, shrimp, hybrid bass, and hard clam production in my home State and elsewhere. Hard clam culture technology improved in South Carolina has been adopted by numerous shellfish companies in the Northeast and Pacific Northwest. In addition, Atlantic Littleneck Seafarms has begun development in Charleston, SC, of one of the largest private hard clam aquaculture operations worldwide.

Mr. President, to meet the challenges faced by the Nation's coastal and Great Lakes resources, the Sea Grant Program must continue its role of supporting relevant research and transferring the results to coastal and marine businesses, the public, and government decisionmakers. I urge my colleagues to join me in supporting this important legislation to reauthorize the Sea Grant Program.

By Mr. CONRAD:

S. 1564. A bill to amend title 49, United States Code, relating to tax discrimination against rail transportation

property; to the Committee on Commerce, Science, and Transportation.

PROPERTY TAX FAIRNESS AND COMMUNITY AND SCHOOL FISCAL STABILITY ACT

• Mr. CONRAD. Mr. President, today I am introducing a bill to clarify the intent of the tax provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 (4-R Act).

State officials and railroads have long been at odds over the valuation of railroad property. States have argued that their citizens are hostage to sophisticated accounting techniques and well-financed litigation efforts used by the railroads to minimize their tax burdens. During the 1960's, the railroads turned to the Federal Government to seek relief from what they saw as discriminatory taxation.

Passage of the 4-R Act in 1976 was the culmination of the efforts of the railroads to seek Federal relief. Section 306 of the act amended the Interstate Commerce Act to prohibit discrimination of State taxation in rates and assessments of railroad property. Further, it allowed railroads to bypass the State administrative and court review and petition the Federal district courts. The section also allowed the court to issue injunctions blocking collection of disputed taxes until the case was settled.

This section has undercut the ability of States and local governments to tax rail carriers. The Federal Government is rarely involved in property tax matters. Furthermore, under the act, rail carriers are granted privileges not granted to other classes of taxpayers. They can bypass State administrative review channels and appeal directly to Federal district court. In addition, they are granted injunctive relief while their challenge is pending which is a privilege not available to homeowners, farmers or commercial property owners. This injunctive relief provision allows railroads to withhold millions of dollars of tax payments: payments which would fund county services and school districts. Finally, the 4-R Act's "other tax" provision have encouraged rail carriers to challenge the States on tax issues ranging from personal property tax exemptions to income taxes.

I have a longstanding interest in this matter, Mr. President. As the former North Dakota State Tax Commissioner, I believe that Federal court interpretation of the 4-R Act has simply gone too far. I agree with the notion that railroads should not face discrimination in the assessment of property tax, but section 306 grants them relief that is not available to any other type of taxpayer.

Railroads, granted these special powers, have succeeded in depriving States of millions of dollars of property taxes. North Dakota has lost several million tax dollars because of litigation with three railroads. In Washington State, over \$6 million from 32 counties was

enjoined for 3 years in a case involving Burlington Northern. Nationwide counties, cities, school districts, and States have lost over \$500 million dollars as a result of 4-R cases.

Even more disturbing, the railroads have adopted an aggressive litigation strategy in bringing claims under the 4-R Act in an attempt to stretch the act well beyond its original purpose. In one particularly damaging case, Burlington Northern versus Oklahoma Tax Commission, the Supreme Court agreed with Burlington Northern that the legislative history of the property tax provision of the 4-R Act was irrelevant, and that the court could consider property valuation issues. The decision significantly broadened the scope of section 306, allowing courts authority to approve the actual dollar value of railroad property. This decision ignored the legislative history of the act, which indicates that the act was meant to prohibit tax discrimination in property tax rates and assessment ratios, and was not intended to put Federal judges in the property tax appraisal business.

Mr. President, the bill I am introducing today would restore fairness to the antidiscrimination provisions of the property tax provision of the 4-R Act. It would clarify that rates and assessment ratios, not valuations, are the focus of 4-R restrictions. It would assure that Federal courts review State actions, not replace them. It would end the railroads' privilege to seek Federal injunctions—a privilege not granted to any other taxpayer. Finally, the bill would clarify that property taxation is the focus of 4-R restrictions.

Mr. President, a number of organizations have been working for years to amend the 4-R Act, including the American Farm Bureau, Multistate Tax Commission, National Governor's Association, National School Boards Association, National Conference of State Legislatures, National League of Cities, National Association of Counties, and the National Association of Regulatory Utility Commissioners.

Mr. President, this is a sensible proposal. It simply restores fairness to the rail property tax system by requiring that railroads pursue the same course available to any other taxpayer when making claims of discriminatory taxation. I urge my colleagues to examine the legislation and join me in advocating these changes.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

4-R DRAFT SENATE BILL SUMMARY

VALUATION CHALLENGES

Section 1 (a)(5)—Amends Section 11503 (a) of title 49, United States Code.

Removes valuation challenges from the jurisdiction of the federal court by clarifying that the determination of true market value

of rail transportation property is the responsibility of state assessing officials. The law would clearly state that only rates and assessment ratios, not valuations, are restricted by the 4-R Act tax provision.

FEDERAL DISTRICT COURT JURISDICTION AND INJUNCTIVE RELIEF

Section 1 (c)—Amends Section 11503 (c) of title 49 of the United States Code.

Removes the concurrent federal district court jurisdiction, and requires the railroads to exhaust state administrative and court channels before challenging in federal court.

Removes the district court's ability to enjoin state assessment or collection action.

THE "OTHER TAX" SECTION

Section 1 (b)—Repeals Section 11503(b)(4) of title 49, United States Code.

Repeals the catch-all provision that allows the railroads to challenge other taxes, in addition to property taxes, as being discriminatory. Removal of this section will return to the 4-R tax provision to its original intent to restrict just state property tax practices on railroad property. The railroads would no longer be able to challenge any difference in tax treatment as discriminatory under 4-R.

By Mr. BIDEN:

S.J. Res. 183. Joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week"; to the Committee on the Judiciary.

NATIONAL CAMPUS CRIME AND SECURITY AWARENESS WEEK

• Mr. BIDEN. Mr. President, I rise today to introduce a resolution designating the week of September 1, 1991 as "National Campus Crime and Security Awareness Week." This resolution is a companion measure to House Joint Resolution 142, introduced in the House of Representatives by Congressman WILLIAM F. GOODLING of Pennsylvania.

In just a little over a month from now, our college campuses will be overflowing with eager students expecting—as they should—an exciting year full of intellectual and personal growth. Unfortunately, far too many of these eager students will encounter danger on their campuses. It is shameful, but true, that our Nation's colleges and universities are no longer the islands of safety we once imagined them to be.

This resolution is a compliment to the Student Right-to-Know and Campus Security Act passed during the 101st Congress and signed into law by President Bush on November 8, 1990. Beginning on September 1, 1991, colleges and universities must collect campus crime data; by the following year, they must release that data to both faculty and students and report violent crimes to campus communities.

For all practical purposes, the Campus Security Act will not take effect until 1992. In the meantime, it is my hope that colleges and universities will take it upon themselves to educate students about campus security policies and crime prevention techniques. That is why I am introducing this legislation designating the week of Septem-

ber 1, 1991 as "National Campus Crime and Security Awareness Week."

Campus crime will not stop and wait until crimes must be reported under the Campus Security Act. Now is the perfect time of our Nation's higher education institutions to reach out to their students to give them the kind of vital information they need to avoid becoming one of 1992's campus crime victim statistics.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution and ensuring that our Nation's colleges and universities educate students about the dangers of campus crime.●

ADDITIONAL COSPONSORS

S. 401

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 514

At the request of Ms. MIKULSKI, the names of the Senator from California [Mr. CRANSTON] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 723

At the request of Mr. DOMENICI, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 723, a bill to amend section 1738A of title 28, United States Code, relating to child custody determinations, to modify the requirements for court jurisdiction.

S. 775

At the request of Mr. CRANSTON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 775, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 878

At the request of Mr. DODD, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 878, a bill to assist in implementing the Plan of Action adopted by the World Summit for Children, and for other purposes.

S. 924

At the request of Mr. KENNEDY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 924, a bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance, and for other purposes.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1179

At the request of Mr. JOHNSTON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1179, a bill to stimulate the production of geologic-map information in the United States through the cooperation of Federal, State, and academic participants.

S. 1253

At the request of Mr. SANFORD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1253, a bill to protect the right to carry out a lawful hunt within a National Forest.

S. 1270

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1270, a bill to require the heads of Departments and Agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

S. 1426

At the request of Mr. KASTEN, his name was added as a cosponsor of S. 1426, a bill to authorize the Small Business Administration to conduct a demonstration program to enhance the economic opportunities of startup, newly established, and growing small business concerns by providing loans and technical assistance through intermediaries.

At the request of Mr. BUMPERS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1426, supra.

S. 1479

At the request of Mr. INOUE, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1479, a bill to amend the Public Health Service Act to reauthorize certain programs with respect to health care areas, to provide for the establishment of model programs in behavioral health, and for other purposes.

S. 1554

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1554, a bill to provide emergency unemployment compensation, and for other purposes.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month".

SENATE JOINT RESOLUTION 140

At the request of Mr. WARNER, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mr. BENTSEN], the Senator from Nevada [Mr. BRYAN], the Senator from Delaware [Mr. ROTH], the Senator from Mississippi [Mr. LOTT], the Senator from West Virginia [Mr. BYRD], the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. PELL], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America Week".

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week".

SENATE JOINT RESOLUTION 173

At the request of Mr. DOLE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 173, a joint resolution designating 1991 as the 25th anniversary year of the formation of the President's committee on Mental Retardation.

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution to express the sense of the Congress that the President should consider certain factors in 1992 before recommending extension of the waiver authority under section 402(c) of the Trade Act of 1974 with respect to the Union of Soviet Socialist Republics.

SENATE RESOLUTION 12

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Resolution 12, a resolution calling upon President Gorbachev to refrain from further use of force against the democratically elected Government of Lithuania, Latvia, or Estonia.

SENATE CONCURRENT RESOLUTION 55—CALLING FOR THE CONSTRUCTION OF AN INTERNATIONAL MEMORIAL TO THE VICTIMS OF COMMUNISM

Mr. SYMMS submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 55

Whereas since 1917, the rulers of international communism led by Vladimir I. Lenin and Mao Tse-tung have been responsible through imperialist conquest, revolutions, civil wars, purges, wars by proxy, military coups and other violent means for the deaths of over 100 million victims;

Whereas the imperial and quisling regimes of international communism have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom and cultural life of the peoples of over forty captive nations;

Whereas there is a danger that the heroic sacrifices of the victims of communism may be forgotten as international communism and its imperial bases continue to collapse and crumble;

Whereas the sacrifices of these victims should be permanently memorialized so that never again will nations and peoples allow so evil a tyranny to terrorize the world.

Resolved by the Senate (the House of Representatives concurring),

(1) That the United States construct an International Memorial to the Victims of Communism at an appropriate location within the boundaries of the District of Columbia and for the appointment of a commission to oversee the design, construction and all other pertinent details of the Memorial; provided, that all costs associated for land acquisition, design, construction and maintenance shall be obtained through private sources.

• Mr. SYMMS. Mr. President, since 1959, the President of the United States and Congress have observed, National Captive Nations Week. This year marks the 32d anniversary of this historic event.

For several decades, nations shackled in the bonds of communism have fought for their liberation and self-determination. Not necessarily fought with conventional weaponry, their struggle most often has been waged with the faith and the will to achieve freedom.

With the collapse of the Berlin Wall and the fall of the Warsaw Pact, the liberated democracies in Eastern Europe emerging from the grip of communism are aware their newly-born freedom nonetheless hinges, in part, on the outcome of the changes taking place in the Soviet Union. While their prospects toward achieving a more democratic society are encouraging, many nations today must still fight for their independence and freedom, such as the Baltic States, the Ukraine, mainland China, nations in Asia, Africa, and the Caribbean. What we witness now was envisioned in the first Captive Nations Week Resolution adopted over three decades ago.

With the successive demise of Communist control over much of Eastern

Europe, it is very clear that freedom for nations around the world is not an impossible task to accomplish. The citizens of these countries want freedom and independence, and they should have our support throughout their transition. The changing times in Eastern Europe should be a signalling point to the United States and the free world that it is time to move quick and liberate these oppressed nations.

As President George Bush stated:

The world has entered a new era. Communism has failed throughout Eastern Europe * * * more and more regimes that were once ruled by terror and force have fallen, swept away by courageous peoples who are eager to take their rightful place in the community of free nations—a community that is marked by respect for human rights and the rule of the law.

It is time for the American public to take action and stand up for democracy and freedom worldwide. The rights and freedoms we as Americans enjoy are not for a privileged few. They are the rights of mankind. The essence of commemorating captive nations week is that which lies in our heritage and our fight for independence. Our country has always set the standard for freedom and respect for human rights, and we should be willing to lend these captive nations our support and guidance. The great Thomas Paine once stated:

Ignorance is of peculiar nature; once dispelled, it is impossible to reestablish it. It is not originally a thing of itself, but is only the absence of knowledge; and though man may be kept ignorant, he cannot be made ignorant.

Through our efforts to recognize the nations still bound by the yoke of communism, the world will not be kept in the dark anymore. Their moral struggle is not theirs alone. Indeed, it is the duty of every individual living in freedom to strive toward liberating those who cannot attain that God-given right themselves.

Communism, since its inception, has taken a hideous toll on humanity. In its short lifetime millions have died at its hands. The leaders espousing this decrepit ideology have spared nothing in their quest for individual and collective domination. They have brutally suppressed the human rights, national independence, religious liberty, intellectual freedom, and cultural life of the peoples of over 40 nations. However, as the days of communism are truly numbered, we should never forget the people that have paid the price for living in such a system of government.

As the Nation commemorates "Captive Nations Week," I am also introducing a resolution that would seek to erect a monument commemorating the victims of communism. I would hope my colleagues will join me in sponsoring the resolution. I send the resolution to the desk and ask that it be referred to the proper committee.

Moreover, Mr. President, I have a speech that was given by former President Ronald Reagan on July 15, in Los Angeles, CA, which I would ask that it be printed in the RECORD.

In addition, I have a number of proclamations issued by the President and several city majors and State Governors commemorating "Captive Nations Week" and ask that they also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas: Captive Nations Week was originally approved by a joint resolution of the 86th Congress on July 17, 1959, which authorized and requested the incumbent President to proclaim the third week of July each year as Captive Nations Week; and

Whereas: Americans have traditionally affirmed their determination to keep faith with those who are denied their fundamental rights; and

Whereas: Despite movements for positive change in many parts of the world, many countries still await greater freedoms, and look to the United States as a model of liberty; and

Whereas: The heritage of the United States stems in large part from the unity amid diverse ethnic and religious backgrounds, and that unity has given the American people a unique love of the ideals of freedom, justice, and independence; and

Whereas: The Captive Nations Committee, Inc. is dedicated to securing freedoms for the oppressed nations of the world; and

Whereas: Captive Nations Week will be observed all over the United States from July 14th through July 20th, 1991, and will be marked with a Freedom Demonstration at the headquarters of the United Nations in New York City; and

Whereas: The issue of freedom is so central to the beliefs of the citizens of the Commonwealth;

Now, therefore, I, William F. Weld, Governor of the Commonwealth of Massachusetts, do hereby proclaim July 14th through July 20th, 1991 as "Captive Nations Week in Massachusetts" and urge the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

PROCLAMATION

Whereas, the cause of freedom is indivisible and universal; its denial or loss is creating a chasm and perils freedom everywhere, as witnessed by historical events; and

Whereas, the United States has been a symbol and champion of freedom for all mankind for over two centuries and has so demonstrated recently with the brilliant Desert Storm victory; and

Whereas, the world has witnessed dramatic changes in some parts of Europe, such as the fall of the Berlin Wall, lifting the infamous Iron Curtain and exposing the bankrupt Communist system; and

Whereas, over three decades ago, in 1959, the United States Congress recognizing the grave implications and threats this corrupt system posed to the free world, passed unanimously Public Law 86-90 calling for not only to halt further expansions, but clearly acknowledging the rightful claims to independence for all nations that fell into the Russian or other Communist orbit; and

Whereas, the ongoing heroic efforts of the Captive Nations to regain their lost but not

abandoned freedoms, now dramatically brought into our own living rooms, clearly attest to the fundamental drive of the human spirit to be free; and

Whereas, there are clear indications that despots and dictators are determined to hold on to crumbling empires, as witnessed by Mikhail Gorbachev and lesser rulers of Yugoslavia who are using force and military equipment to quell the drive for independence; and

Whereas, the free world is faced with the monumental task of defending the rightful claims of the Captive Nations and must exert a concentrated effort to aid and support the ongoing struggle toward national independence and sovereignty,

Now, Therefore, I James D. Griffin, Mayor of the City of Buffalo, do hereby proclaim July 14 to July 21, 1991 as "Captive Nations Week" in the City of Buffalo and invite the people of our city to observe this week with appropriate ceremonies to give testimony and reaffirm their dedication to the ideals of Freedom, independence, national and human rights.

THE EXPANDING FRONTIERS OF WORLD FREEDOM

(Remarks by President Ronald Reagan)

I am pleased to be here with you this evening, in commemoration of Captive Nations Week. If things continue the way they have been going, next year we will have to call it Free Nations Week. (Laughter)

Remembering those nations which have lost—or newly won—their freedom is important to me, and I congratulate this event's co-sponsors: The Republic of China Chapter of the World League for Freedom and Democracy and the Claremont Institute for the Study of Statesmanship and Political Philosophy. In the purposes of these two organizations, we see reflected America's calling and her destiny—to nourish and defend freedom and democracy and to communicate these ideals everywhere we can.

We who are privileged to be Americans have had a rendezvous with destiny since that moment in 1630 when John Winthrop, standing on the deck of the tiny Arbella off the coast of Massachusetts, told the little band of Pilgrims, "We shall be as a city upon a hill. The eyes of all people are upon us . . ."

I have long believed that the guiding hand of Providence did not create this new nation of America for ourselves alone, but for a higher cause: the preservation and extension of the sacred fire of human liberty. The Declaration of Independence and the Constitution of these United States are covenants we have made not only with ourselves, but with all of mankind. Our founding documents proclaim to the world that freedom is not the sole prerogative of a chosen few, they are the universal right of all God's children. As John Quincy Adams promised, "Whenever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions and her prayers."

Can we doubt that a Divine Providence placed this land, this continent of freedom, here as a refuge for all those peoples in the world who yearn to breathe free? Look around this room tonight. Among our number we have Cambodians who have escaped the cruel purges of Pol Pot. We have the boat people of Vietnam, who risked their lives to escape from a tyranny worse than death. We have the Hmong, who fought so bravely with us for their freedom, and who withdrew with honor to these shores when that struggle was concluded. We have the myriad peoples of

the Baltic States and Eastern Europe, who alike fled the dark descent of an iron curtain, in Winston Churchill's memorable phrase, over their homelands. We have the Free Chinese, who found sanctuary here and on the island of Taiwan, there to create a beacon of hope for the mainland.

Never have our duties as a people been more heavy than over the past few decades. A troubled and afflicted mankind has repeatedly looked to us—today's living Americans—to keep our rendezvous with destiny. True to our nation's calling, we have responded with a will. No people on this earth has fought harder or paid a higher price to advance the cause of freedom, nor has met with greater success.

In Europe, in Asia, in Central America and the Caribbean, and recently in the Middle East, we have led nation after nation out of the wilderness of invasion and captivity to the broad sunlit uplands of liberty. We stood shoulder to shoulder with our allies in Europe, until the iron curtain that artificially divided their continent was torn asunder and Germany was reunited. We held the line in Asia, buying time for countries like Korea, Taiwan, and the Philippines to build the institutions of democracy.

Margaret Thatcher, former Prime Minister of Great Britain, recently said that I, Ronald Reagan, singlehandedly won the cold war against Communism. (applause, laughter) I cannot accept this honor. To begin with, I had the Iron Lady at my side. (laughter) The eighties were a decade when you and I and the vast majority of Americans courageously supported the struggle for liberty, self-government, and free enterprise throughout the world. Together with our allies abroad we turned the tide of history away from totalitarian darkness and into the warm sunlight of human freedom.

There can be no doubt that the tide of freedom is rising. At the start of this century, there were only a handful of democracies. Today more than half of the world's people, living in over 60 countries, govern themselves. Nations as varied as Lithuania, Croatia, and Armenia have legislatures elected by the people and responsive to the people. One of the engines of this progress is the desire for economic development—the realization that it is free nations that prosper and free peoples who create better lives for themselves and their children. Another is the natural desire of disparate peoples for self-determination.

The cult of the state may be dying, but it is not yet dead. In Eastern Europe, Poland, Hungary and Czechoslovakia now have popularly elected governments. An unwelcome army of occupation will soon withdraw. These governments now face the difficult question of privatizing the vast resources accumulated by their totalitarian predecessors. How quickly and completely they move to a free market economy will determine the standard of living of their peoples for years to come.

Moving south, Bulgaria, Yugoslavia, and Romania have yet to complete their democratic transitions. Bulgaria may be the first to achieve this, if the current parliament resigns as promised later this month and free elections are held in September.

We find Yugoslavia on the brink of civil war. The Croatian and Slovenian peoples, by majorities in excess of 90 percent, have indicated their wish to withdraw their republics from the Yugoslavian state. The state seems equally determined to preserve its territorial integrity, by force if necessary. As Americans, who believe in government by consent,

our sympathies naturally lie with the break-away republics. It is for the people, not the state, to determine where the boundaries of civil society shall fall.

This same principle of self-determination applies to the Soviet Union's many republics. I am not speaking here of the Baltic states. Lithuania, Latvia, and Estonia were illegally occupied by the Soviet Union at the opening of World War II. They are sovereign states by right and should be freed immediately. I am speaking of the Soviet Union's other republics. If the people of Armenia, of Georgia, and even the Ukraine, in free plebiscites, should vote to leave the Soviet empire, then they should be allowed to do so. America should not get into the business of preserving the artificial state structures established by monarchs and dictators.

Once the Soviet Union has dissolved into a loose confederation of independent nations, what then? Freed from the twin burdens of empire and Communism, the Russian people will reassert their natural greatness. Their land will stretch 7,000 miles from Leningrad—excuse me, I meant St. Petersburg (laughter)—to Vladivostok. They will be a nation of 160 to 190 million people, bent upon repairing the economic and social ravages of totalitarianism. If they choose democracy and the free market—and we should be encouraging them to do so—this can be accomplished quickly. In five years their family farms will feed not only themselves, but many of the nations around them. In fifteen years their enterprises, taking advantage of Russia's vast natural resources and the foreign investment that will pour in, will number among the best in the world.

Moving to China, we have seen the brutal way the Beijing regime responded to the cries of the Chinese people for democracy in Tiananmen Square. They fail to realize that you cannot crush hope with treads of tanks; you cannot drown democratic aspirations in a hail of bullets.

In our relationship with China we should always remember what our Chinese friends on Taiwan have accomplished: A resource-poor island has become one of the major trading nations in the world; a political transformation no less dramatic than that of Europe has resulted in full-fledged democracy. The implications of these changes for China's future are profound. As President Lee Teng-hui recently remarked, "We are building a prosperous democracy—not just for the Taiwan area itself, but for the whole of China. We are building a democracy for unification." We in America can never go wrong if we do what is morally right, and keep our commitments to Taiwan.

Soviet colonies around the globe, abandoned by Moscow in its own quest for survival, are withering and dying. We have just marked the 16th anniversary of the death of freedom for Vietnam and Cambodia. Hanoi and Phnom Penh are both abandoning the socialist economic model, and adopting a more market-oriented approach that will surely bring greater political freedom in its wake. The peace negotiations in Cambodia are making progress, but the participation of the butcherous Kymer Rouge in these talks gives many people pause. The people of Afghanistan are still struggling to free themselves from a Moscow-imposed totalitarianism.

As long as these struggles continue, freedom-loving people around the world must say: I am a Chinese imprisoned for advocating democracy at Tiananmen, I am an Afghan fighting to liberate my country from the tyranny of Marxism-Leninism, I am a Vi-

etnamese, a Cambodian, a Hmong. I, too, am a potential victim of totalitarianism.

Those who preach the supremacy of the state will be remembered for the sufferings their delusion caused their peoples. It is my hope that in the 21st century, which is only 9 years away, human dignity will be everywhere respected; that the free flow of people and ideas will include not only the newly freed states of Eastern Europe, but those republics which are still struggling for their freedom to the east.

America's solemn duty is to constantly renew its covenant with humanity to complete the grand work of human freedom that began here 200 years ago. This work, in its grandness and nobility, is not unlike the building of a magnificent cathedral. In the beginning, progress is slow and painstaking. The laying of the foundations and the raising of the walls is measured in decades rather than years. But as the arches and spires begin to emerge in the air others join in, adding their faith and dedication and love to speed the work to its completion. My friends, the world is that cathedral. And our children, if not we ourselves, will see the completed work—the worldwide triumph of human freedom, the triumph of human freedom under God.

PROCLAMATION

Whereas, the dramatic changes this past year in Central Europe and within the Soviet Union, Central Asia and Central America have fully vindicated the conceptual framework of the Captive Nations Week Resolution, which the United States Congress passed in 1959 and President Eisenhower signed into law as Public Law 86-90; and

Whereas, the resolution of 1959 demonstrated the foresight of the U.S. Congress and has been a basic source of inspiration, hope and confidence to all the captive nations; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in conquered nations constitute a powerful deterrent to any ambitions of Communist or post-Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States as leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States, by unanimous vote, passed Public Law 86-90 establishing the third week in July each year as "Captive Nations Week" and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities as well as expressing their sympathy with and support for the just aspirations of captive peoples.

Now, Therefore, I, Carroll A. Campbell, Jr., Governor of the state of South Carolina, do hereby proclaim the week of July 14-20, 1991 as "Captive Nations Week" in South Carolina and call upon all citizens to join together in observing this week by offering prayers and dedicating their efforts for the peaceful liberations of oppressed and subjugated peoples all over the world.●

SENATE RESOLUTION 159—AUTHORIZING THE PRODUCTION OF DOCUMENTS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution;

tion; which was considered and agreed to:

S. RES. 159

Whereas, during the period of 1985 to 1986, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs received the deposition testimony of John Nardi, Jr., John Joyce, Nicholas Nardi, John Climaco and Sam Rapisards, in connection with its investigation into the handling by the Department of Justice, the Department of Labor, and the Department of Transportation of a labor fraud investigation of Jackie Presser, then President of the International Brotherhood of Teamsters;

Whereas, the Investigations Officer appointed by the United States District Court for the Southern District of New York to assist in the enforcement of the consent order entered in a civil action under the Racketeer Influenced and Corrupt Organizations Act brought by the United States against the International Brotherhood of Teamsters, has requested transcripts of the deposition testimony of these witnesses in furtherance of his law enforcement responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule IX of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to the Investigations Officer appointed by the United States District Court for the Southern District of New York records of the Subcommittee's investigation of the handling of the Presser investigation.

AMENDMENTS SUBMITTED

INTERNATIONAL SECURITY AND ECONOMIC COOPERATION ACT

WELLSTONE (AND OTHERS) AMENDMENT NO. 824

Mr. WELLSTONE (for himself, Mr. CRANSTON, Mr. HARKIN, Mr. DASCHLE, and Mr. AKAKA) proposed an amendment to the bill (S. 1435) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes, as follows:

On page 144, between lines 20 and 21, insert the following:

(b) CHALLENGE MORATORIUM.—(1) Except as provided in paragraphs (2) and (3), the United States Government shall not agree to any transfers of major military equipment to any nation in the Middle East and Persian Gulf region. This moratorium is established to induce and encourage the other permanent members of the United Nations Security

Council to join in this effort and also to induce and encourage other members of the North Atlantic Treaty Organization, former members of the Warsaw Pact, and other major arms supplier nations to join in this effort.

(2) The requirement of paragraph (1) for a moratorium on United States arms transfers of major military equipment to the Middle East and Persian Gulf region shall cease to apply if the President submits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives—

(A) a report stating that the President has determined that there has been agreement by another major arms supplier nation on or after date of enactment of this Act to transfer any major military equipment to any nation in the Middle East and Persian Gulf region; and

(B) the report required by section 646(a).

(3) Paragraph (1) does not apply to any transfer of major military equipment that is a necessary, emergency response to major and sustained hostilities in the Middle East and Persian Gulf region or to an imminent threat of such hostilities.

(4) Paragraph (1) and paragraph (2)(A) do not apply with respect to transfers which only involve the replacement on a one-for-one basis of equipment of comparable quality that has become inoperable after the date of enactment of this Act.

Beginning on page 147 strike line 21 and all that follows through line 9 on page 148.

On page 149, line 7, insert after "high-performance jet aircraft", the following: "attack helicopters, fuel-air explosives, cluster bombs,".

CRAIG AMENDMENT NO. 825

Mr. CRAIG proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . POLICY ON MILITARY BASE RIGHTS IN PANAMA.

(a) FINDINGS.—The Congress finds that—

(1) the Panama Canal is a vital strategic asset to the United States and its allies;

(2) the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and the Panama Canal Treaty, both signed on September 7, 1977, mandates that (A) no United States troops are to remain in Panama after December 31, 1999; (B) the Canal Zone is to be incorporated into Panama; (C) United States Panama-based communications facilities are to be phased out; (D) all United States training in Panama of Latin American soldiers is to be halted; and (E) management and operational control of the Canal is to be turned over to Panamanian authorities;

(3) the government of President Guillermo Endara has demonstrated its determination to restore democracy to Panama by quickly moving to implement changes in the nation's political, economic, and judicial systems;

(4) friendly cooperative relations currently exist between the United States and the Republic of Panama;

(5) the region has a history of unstable governments which pose a threat to the future operation of the Panama Canal, and the United States must have the discretion and the means to defend the Canal and ensure its continuous operation and availability to the military and commercial shipping of the United States and its allies in times of crisis;

(6) the Panama Canal is vulnerable to disruption and closure by unforeseen events in

Panama, by terrorist attack, and by air strikes or other attack by foreign powers;

(7) the United States fleet depends upon the Panama Canal for rapid transit ocean to ocean in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persian Gulf War, thereby saving 13,000 miles and three weeks steaming effort around Cape Horn;

(8) the Republic of Panama has dissolved its defense forces and has no standing army, or other defense forces, capable of defending the Panama Canal from aggressors and, therefore, remains vulnerable to attack from both inside and outside of Panama and this may impair or interrupt the operation and accessibility of the Panama Canal;

(9) the presence of the United States Armed Forces offers the best defense against sabotage or other threat to the Panama Canal; and

(1) the 10,000 United States military personnel now based in the Canal Zone, including the headquarters of the United States Southern Command, cannot remain there beyond December 31, 1999, without a new agreement with Panama.

(b) **POLICY.**—It is the sense of the Congress that the President should—

(1) negotiate a new base rights agreement with the Government of Panama—

(A) to allow the permanent stationing of United States military forces in Panama beyond December 31, 1999, and

(2) consult with the Congress throughout the negotiations described in paragraph (1).

SIMON AMENDMENT NO. 826

Mr. SIMON proposed an amendment to the bill S. 1435, supra, as follows:

At the end of section 103, add the following new subsection (C)

(C) **TRENDS IN POPULATION GROWTH.**—Current trends in human population growth have no historical precedent. Global population, currently at 5.3 billion, is projected to grow by 90-100 million people every year in this decade.

SIMON AMENDMENT NO. 827

Mr. SIMON proposed an amendment to amendment No. 826 proposed by him to the bill S. 1435, supra, as follows:

In lieu of the Language Proposed to be inserted by the pending amendment insert the following:

At the end of section 103, add the following new subsection (C)

(C) **FUNDING FOR UNITED NATIONS POPULATION FUND.**—Up to \$20,000,000 of the funds authorized to be appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of contraceptive commodities and related logistics, notwithstanding any other provision of law or policy: *Provided*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215(b)(f)) and section 535 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available pursuant to this subsection: *Provided further*, That any recipient of these funds under this heading shall be required to maintain the funds made available pursuant to this subsection in a separate account and not com-

ingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than \$57 million for family planning programs in the People's Republic of China.

SEYMOUR AMENDMENT NO. 828

Mr. SEYMOUR proposed an amendment to the bill S. 1435, supra, as follows:

On page 143, after line 25, add the following:

(4) the unconditional recognition of the State of Israel.

SEYMOUR AMENDMENT NO. 829

Mr. SEYMOUR proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. 17. POLICY ON COMBATING INTERNATIONAL NARCOTICS TRAFFICKING.

(a) **FINDINGS.**—The Congress makes the following findings:

(1) President Cesar Gaviria of Colombia, and the members of his Government, have made important progress in the war against international narcotics trafficking, most notably including the arrest and prosecution of the Medellin cartel, and extensive programs in law enforcement cooperation and intelligence sharing with the United States.

(2) President Gaviria and the members of his Government have taken these initiatives at significant risk to their lives and the safety of their families.

(3) The Medellin and Cali cartels are made up of the world's most ruthless drug lords and international terrorists responsible for the assassination of politicians, police officers, judges, journalists, and countless innocent persons in Colombia.

(4) Pablo Emilio-Escobar Gaviria, the leader of the Medellin cartel, one of the world's most wanted criminals, is responsible for thousands of narcotics-related deaths worldwide and the smuggling of million of dollars worth of illegal drugs into the United States.

(5) Pablo Escobar and other leaders of the Medellin cartel have surrendered to Colombian authorities in exchange for leniency and the guarantee that they will not be extradited to the United States.

(6) The Government of Colombia had demonstrated that the facility used to incarcerate Pablo Escobar is, in fact, a functioning prison and they intend to isolate Pablo Escobar from directing any narcotics trafficking or other activities of the Medellin cartel.

(7) The Colombian assembly has recently voted to bar extradition of Colombian nationals under the Colombian Constitution, and the other Andean nations are considering similar measures.

(8) Cooperative agreements between the United States and other nations are essential to our efforts to dismantle drug cartels and bring international drug kingpins to justice.

(b) **POLICY.**—It is the sense of the Congress that—

(1) the Government of Colombia should continue its efforts to dismantle the Medellin cartel;

(2) the Government of Colombia should continue to insure that Pablo Escobar and the other leaders of the Medellin cartel are isolated from any international drug trafficking, money laundering, and other illegal activities;

(3) the Government of Colombia should show the same resolve in bringing the leaders of the Cali cartel to justice;

(4) The United States should continue to support the Government of Colombia's effort to eradicate the intimidation, bombings, kidnappings, murders, and other domestic violence associated with the narcotics trafficking in Colombia.

(5) though extradition of international drug kingpins would be an effective tool of justice, the United States, Colombia, and the other Andean nations nevertheless should continue to work for additional cooperative agreements to combat narcotics traffickers;

(6) The President should assess the progress of the Government of Colombia in implementing each of the criterion pursuant to (1), (2), (3) and (5) in making his March 1992 certification of Colombia's full cooperation with the United States on controlling international narcotics trafficking and distribution.

GRAHAM AMENDMENT NO. 830

Mr. GRAHAM proposed an amendment to the bill S. 1435, supra, as follows:

On page 57, between lines 9 and 10, insert the following:

SEC. 216. INTERNATIONAL TRAINING ASSISTANCE.

(a) Of the funds made available under part I of the Foreign Assistance Act of 1961, the Agency for International Development ("the Agency") is encouraged to maintain funding for United States training at a level equal to or greater than the fiscal year 1990 level.

(b) The Agency shall develop comprehensive programs for the awarding of scholarships for the completion of a bachelor's degree in fields of study designed to enhance business, commercial, and other linkages between the sending country and the state in which the student studies. These programs shall demonstrate an appreciation for the free enterprise system and democratic institutions.

(c) To fulfill the goals of subsection (b), the Agency or its contracting agents shall endeavor to place students with scholarships in States in which the following criteria are met:

(1) An international coordinating office exists and reports directly to top State education or commerce official or to the Governor.

(2) State funds, either in cash, tuition remittance, other services, or collected private donations, match a minimum of 33 percent of the total program costs.

(d) The Agency shall collaborate with States seeking to develop international coordinating offices which meet the criteria established under subsections (c)(1) and (c)(2).

(e) The Agency is authorized to provide one-time startup funding to such State offices not to exceed \$250,000 for each office, to be used for salaries, program administration, and follow-on activities, subject to the following restrictions:

(1) Funds made available by the Agency shall not exceed 50 percent of salary costs.

(2) Funds of the Agency which are allocated for administrative costs shall not be used for tuition.

(f) AID is encouraged to develop an incentive program to increase the number of students placed in States which have international coordinating offices which comply with the criteria established under subsection (c).

(g) To the maximum extent feasible, all missions of the Agency in Caribbean Basin and Andean countries shall establish or maintain scholarship programs that follow the criteria established for the Caribbean and Latin American Scholarship Program (CLASP).

LIEBERMAN (AND DODD) AMENDMENT NO. 831

Mr. LIEBERMAN (for himself and Mr. DODD) proposed an amendment to the bill S. 1435, supra, as follows:

On page 234, after line 24, add the following new title:

TITLE XIII—TRADE AND COMPETITIVENESS ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Aid, Trade, and Competitiveness Act of 1991".

SEC. 1302. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) United States exporters are shut out of \$10 billion to \$12 billion worth of capital projects per year because of inadequate government support for our exporters, resulting in a loss of \$2.4 billion to \$4.8 billion in exports;

(2) in contrast, foreign governments actively support their nations' companies by providing a large share of their economic aid for capital projects;

(3) the Federal Government must be more aggressive in helping American exporters;

(4) the Federal Government must strengthen assistance and financing programs already in existence in the Export-Import Bank of the United States, the Agency for International Development (AID), and the Trade Development Program, fostering more and consistent cooperation between these agencies and establishing new programs at these agencies where necessary; and

(6) traditional development aid programs for health, education, and agriculture should not suffer as a result of the new aggressive tied-aid policy.

SEC. 1303. CAPITAL PROJECTS OFFICE WITHIN AID.

(a) ESTABLISHMENT OF OFFICE.—The Administrator of the Agency for International Development (AID) shall establish within the Bureau for Private Enterprise of the Agency a capital projects office to carry out the purposes described in subsection (b).

(b) PURPOSES OF OFFICE.—The purposes referred to in subsection (a) are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration the expert opportunities of United States firms; and

(2) to specifically consider opportunities for United States high-technology firms, including small- and medium-sized firms in putting together capital projects for developing nations and the nations of Eastern Europe.

(c) ACTIVITIES OF AID.—The Administrator of the Agency for International Development (AID), acting through the capital projects office in coordination as appropriate with the Export-Import Bank of the United States—

(1) shall put together capital projects in advanced developing nations and Eastern Europe;

(2) shall periodically review infrastructure needs in developing nations and Eastern Europe and shall explore commercial opportunities for United States firms in the development of new capital projects in these nations keeping both United States firms and Congress informed of these reviews;

(3) shall determine whether each capital project undertaken is developmentally sound, as set forth in the criteria developed by the Development Assistance Committee of the OECD;

(4) shall coordinate its activities with other AID offices, particularly the regional bureaus, working with each AID country representative in developing capital projects and commercial opportunities for United States firms in a manner which in no way interferes with the primary mission to help these nations with traditional projects; and

(5) shall coordinate where appropriate funds available to AID for "tied-aid" purposes.

SEC. 1304. ROLE OF THE CAPITAL PROJECTS OFFICE IN EASTERN EUROPE.

In addition to the activities of section 1303(c), the Administrator of the Agency for International Development, acting through the capital projects office—

(1) shall play a special role in helping to develop the infrastructure of the nations of Eastern Europe by meeting the challenge of infrastructure assistance provided by foreign governments to the nations of Eastern Europe;

(2) shall undertake a comprehensive study of the infrastructure of the various nations of Eastern Europe which shall:

(A) identify those sectors in the economies of these nations that are most in need of rebuilding;

(B) those sectors in those nations could through assistance identified in paragraph (A) develop strategies to assist such sectors from the capital projects office of the Agency for International Development, including joint projects of the Export-Import Bank of the United States and the Agency for International Development; and

(C) the state of technology in these nations and the opportunity for United States high technology firms to help develop a technological infrastructure in these nations, as well as an assessment of export opportunities for United States high technology companies; and

(3) upon completion of the study on Eastern Europe, shall establish an Eastern Europe program within the capital projects office of the Agency for International Development which—

(A) shall monitor the infrastructure needs of these nations;

(B) shall continue to help United States companies with their efforts to be a part of the rebuilding of the infrastructure of these nations;

(C) shall make a special effort to help United States high technology firms explore opportunities with the rebuilding of these nations' technological infrastructures;

(D) shall be able to make use of all existing programs of the Agency for International Development; and

(E) shall have in-country representation in Eastern Europe that is assigned duties respecting that country or region.

SEC. 1305. CAPITAL PROJECTS INTERAGENCY BOARD.

(a) ESTABLISHMENT.—There is established the Capital Projects Interagency Board

(hereafter in this section referred to as the "Board").

(b) COMPOSITION.—The Board shall consist of the following officers or their designees:

(1) The Administrator of the Agency for International Development, who shall serve as Chairman.

(2) The President of the Export-Import Bank of the United States.

(3) The Director of the Trade and Development Agency.

(4) The Secretary of State, as a nonvoting member.

(5) The Secretary of Commerce, as a nonvoting member.

(6) The Administrator of the Environmental Protection Agency as a nonvoting member.

(c) STAFF FOR THE BOARD.—The Agency for International Development, the Export-Import Bank, and the Trade and Development Program shall make available to the Board such staff as may be necessary for the Board to carry out its duties.

(d) DUTIES OF THE BOARD.—The Board shall—

(1) coordinate the development of a strategic approach to the support of capital projects among the agencies represented on the Board, including:

(A) how developmentally sound a project is, using as a standard criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(B) the environmental impact of a project; and

(C) where appropriate the cofinancing of capital projects among voting "Board" members.

(e) REPORT.—Beginning 12 months after the date of enactment of this Act, and every 12 months thereafter, the Board established under subsection (a) shall submit to the Congress a report describing—

(1) the extent to which United States Government resources have been expended specifically to support capital projects;

(2) the extent to which the activities of the United States agencies described in subsection (b) have been coordinated; and

(3) the extent to which United States Government capital projects and tied-aid programs have affected United States exports.

SEC. 1306. NEGOTIATIONS OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT.

If a new agreement within the Organization for Economic Cooperation and Development (OECD) has not been reached by December 31, 1991, that meets the objective of reducing the levels of concessional financing by member countries of the OECD other than the United States, the Secretary of the Treasury, together with the President of the Export-Import Bank of the United States, shall submit a report to Congress on the status of the negotiations, including an analysis of the negotiations since 1987, the causes for the failure to reach an agreement by that date, and reasons the United States Government believes that continued negotiation will result in achieving the above mentioned objective.

SEC. 1307. FUNDING.

There are authorized to be appropriated such funds as are necessary to carry out the purposes of this title.

SEC. 1308. DEFINITIONS.

For purposes of this title—

(1) the term "capital projects" means projects for economic infrastructure in sectors such as construction, environmental protection, mining, power and energy, tele-

communications, transportation, or water management; and

(2) the term "tied-aid credit" has the meaning given to such term in section 15(h)(1) of the Export-Import Bank Act of 1945.

BOREN (AND OTHERS) AMENDMENT NO. 832

Mr. BOREN (for himself, Mr. BENTSEN, Mr. BYRD, Mr. BAUCUS, Mr. HATCH, Mr. LIEBERMAN, Mr. DOLE, Mr. WALLOP, Mr. NICKLES, and Mr. HEFLIN), proposed an amendment to amendment No. 831 proposed by Mr. LIEBERMAN (and Mr. DODD) to the bill S. 1435, supra, as follows:

Strike out section 1307 of the amendment and insert in lieu thereof the following:

SEC. 1307. CAPITAL PROJECTS FUNDING; CASH TRANSFER REDUCTION; RESTRICTION ON WAIVERS.

(a) CAPITAL PROJECTS.—

(1) Of the total amounts authorized to be appropriated to the President for fiscal years 1992 and 1993 to carry out title III and subchapter A of chapter 1 and subchapter A of chapter 3 of title VI of this Act, and any amendments made thereby, there are authorized to be available \$750,000,000 for fiscal year 1992 and \$1,000,000,000 for fiscal year 1993 for capital projects. Such funds shall be in the form of grants for the construction, design, or servicing of developmentally sound capital projects.

(2) Such grants may be combined with financing offered by private financial entities or other entities.

(3) Pursuant to section 604(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2354(a)), funds allocated under this section may be used only for procurement of United States goods and services.

(4) Not later than January 1, 1992, the President shall submit a report to the Congress on the feasibility of allowing the Agency for International Development to offer credit guarantees for the financing of capital projects.

(b) CASH TRANSFER REDUCTION.—

(1) Notwithstanding any other provision of law, for each of the following fiscal years, cash transfers of economic support fund assistance shall not represent more than the corresponding percentage of total Economic Support Funds:

(A) For fiscal year 1992, 60 percent.

(B) For fiscal year 1993, 50 percent.

(2) Any reduction in cash transfer assistance required by this section shall not be made out of funds otherwise used for purchase of United States goods and services or for the repayment of debt arising out of obligations owed to or guaranteed by the United States Treasury.

(3) The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or for the repayment of debt owed to or guaranteed by the United States Treasury, and the degree to which recipients of cash payment assistance are required to or in fact use such assistance to purchase United States goods and services.

(4) Not later than 6 months after the date of enactment of this Act, the Comptroller

General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (3).

(c) RESTRICTIONS ON WAIVERS.—Section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354) is amended by adding at the end thereof the following new subsection:

"(h)(1) In determining the authorized geographic code for the purchase of goods and services, the Administrator of the agency primarily responsible for carrying out part I of this Act shall not grant any waivers from Geographic Code 000 (United States only) except for the following reasons:

"(A) The good or service is not available from countries or areas included in the authorized geographic code.

"(B) An emergency requirement can be met in time only from suppliers in a country or area not included in the authorized geographic code.

"(C) For project assistance only, when Geographic Code 000 is authorized and the lowest available delivered price from the United States is reasonably estimated to be 50 percent or more higher than the delivered price from a country or area included in Geographic Area 941, a waiver to Geographic Area 941 may be granted.

"(D) For nonproject assistance, an acute shortage exists in the United States for a commodity generally available elsewhere.

"(2) In considering whether to grant any waiver permitted under paragraph (1), the Administrator shall first determine whether the good or service to be procured under the waiver could be imported lawfully into the United States.

"(3) The Administrator of the Agency for International Development shall report annually to Congress on the number of waivers described in paragraph (1) which were granted in the previous fiscal year, the corresponding value of goods and services which were covered under such waivers, a breakdown of the waivers by region and country, and an explanation of the reasons given for such waivers."

DODD (AND OTHERS) AMENDMENT NO. 833

Mr. DODD (for himself, Mr. LEAHY, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUE, Mr. KENNEDY, Mr. HATFIELD, Ms. MIKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN) proposed an amendment to the bill S. 1435, supra, as follows:

At the end of the bill, add the following new title:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year

1992, not more than \$85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador; or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from outside El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) PERIOD COVERED BY PRESIDENTIAL DETERMINATION.—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) EXCEPTION.—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) CONTINUATION OF PROGRAM.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) INTERNATIONAL HUMAN RIGHTS MONITORING.—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) ASSISTANCE.—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to \$10,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, \$5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the in-

vestigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

DODD (AND OTHERS) AMENDMENT NO. 834

Mr. DODD (for himself, Mr. LEAHY, Mr. BIDEN, Mr. GLENN, Mr. WELLSTONE, Mr. INOUE, Mr. KENNEDY, Mr. HATFIELD, Ms. MIKULSKI, Mr. WOFFORD, Mr. LEVIN, Mr. SASSER, Mr. DASCHLE, Mr. EXON, Mr. DECONCINI, and Mr. BINGAMAN) proposed an amendment to amendment No. 833 proposed by Mr. DODD (and others) to the bill S. 1435, supra, as follows:

On page 1, line 3, of the pending amendment strike all after the word "TITLE" and insert in lieu thereof the following:

TITLE XIII—EL SALVADOR PEACE, SECURITY, AND JUSTICE ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "El Salvador Peace, Security, and Justice Act of 1991".

SEC. 1302. STATEMENT OF POLICY.

United States military assistance to the Government of El Salvador shall seek three principal foreign policy objectives, as follows: (1) to promote a permanent settlement and cease-fire to the conflict in El Salvador, with the Secretary General of the United Nations serving as an active mediator between the opposing parties; (2) to foster greater respect for basic human rights and the rule of law; and (3) to advance political accommodation and national reconciliation.

SEC. 1303. MAXIMUM LEVEL OF MILITARY ASSISTANCE.

Of the funds made available for United States military assistance for fiscal year 1992, not more than \$85,000,000 shall be available for El Salvador.

SEC. 1304. PROHIBITION OF MILITARY ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States military assistance may be furnished to the Government of El Salvador—

(1) if the President determines and reports in writing to the appropriate congressional committees that—

(A) after the President has consulted with the Secretary General of the United Nations, the Government of El Salvador has declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict of El Salvador;

(B) the Government of El Salvador has rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(C) the Government of El Salvador is not conducting a thorough and professional investigation into, and prosecution of, those responsible for the eight murders at the University of Central America on November 16, 1989, as evidenced, for example, by the high command of the Salvadoran military withholding from judicial authorities, military personnel as witnesses or information or documents that have been identified by the presiding judge in the case as potentially relevant to the investigation; or

(D) the military and security forces of El Salvador are assassinating or abducting civilian noncombatants, are engaging in other acts of violence directed at civilian targets, or are failing to control such activities by elements subject to the control of those forces; and

(2) if the appropriate congressional committees have had at least 15 days to review the President's determination under paragraph (1) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1305. WITHHOLDING OF MILITARY ASSISTANCE.

(a) IN GENERAL.—Fifty percent of the total United States military assistance allocated for El Salvador for fiscal year 1992 and 50 percent of the total United States military assistance allocated for El Salvador for previous fiscal years, which has not been obligated, expended, delivered, or otherwise made available to the Government of El Salvador, shall be withheld from obligation or expenditure (as the case may be) except as provided in subsections (b) and (c).

(b) RELEASE OF ASSISTANCE.—Subject to the provisions of sections 1304, 1306, and 1310, United States military assistance withheld pursuant to subsection (a) may be obligated and expended only if—

(1) the President determines, in accordance with subsection (c), and reports in writing to the appropriate congressional committees that—

(A) after he has consulted with the Secretary General of the United Nations, the representatives of the FMLN—

(i) have declined to participate in good faith in negotiations for a permanent settlement and cease-fire to the armed conflict in El Salvador, or

(ii) have rejected or otherwise failed to support an active role for the Secretary General of the United Nations in mediating that settlement;

(B) the survival of the constitutional Government of El Salvador is being jeopardized by substantial and sustained offensive military actions or operations by the FMLN;

(C) proof exists that the FMLN is continuing to acquire or receive significant shipments of lethal military assistance from out-

side El Salvador, and this proof has been shared with the appropriate congressional committees; or

(D) the FMLN is assassinating or abducting civilian noncombatants, is engaging in other acts of violence directed at civilian targets, or is failing to control such activities by elements subject to FMLN control; and

(2) at least 15 days before any obligation or expenditure of funds is made, the appropriate congressional committees are notified in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) PERIOD COVERED BY PRESIDENTIAL DETERMINATION.—A determination under subsection (b) may be made only with respect to the activities of the FMLN occurring after the President's determination of January 15, 1991, pursuant to section 531(d)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(d) EXCEPTION.—Notwithstanding any other provision of law, funds withheld pursuant to subsection (a) may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds under this subsection.

SEC. 1306. CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.

(a) PROHIBITION.—Subject to subsection (b), no United States assistance may be furnished to El Salvador if the duly elected head of Government of El Salvador is deposed by military coup or decree.

(b) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under subsection (a) may only be resumed pursuant to a law subsequently enacted by the Congress.

SEC. 1307. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, AND TRANSITION TO PEACE.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the costs of monitoring a permanent settlement of the conflict, including a cease-fire, and the demobilization of combatants in the conflict in El Salvador, and their transition to peaceful pursuits, which shall be known as the "Demobilization and Transition Fund" (hereafter in this section referred to as the "Fund"). Amounts in the Fund shall be available for obligation and expenditure only upon notification by the President to the appropriate congressional committees that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement of the conflict, including a final agreement on a cease-fire.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the appropriate congressional committees of a permanent settlement of the conflict, including an agreement on a cease-fire, or on September 30, 1992, if no such notification has occurred before that date, the President shall transfer to the Fund any United States military assistance funds withheld pursuant to section 1305. In addition, the President may transfer to the Fund any additional military assistance that has been allocated for El Salvador for fiscal year 1991 or fiscal year 1992 that he determines necessary to carry out the purposes of this section.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and reemployment in civilian pursuits of former combatants in the

conflict in El Salvador, and for the monitoring of the permanent settlement and cease-fire.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts transferred to the Fund shall remain available until expended.

SEC. 1308. STRENGTHENING CIVILIAN CONTROL OVER THE MILITARY.

In order to strengthen the control of the democratically elected civilian Government of El Salvador over the armed forces of that country, United States military assistance for any fiscal year may be delivered to the armed forces of El Salvador only with the prior approval of the duly elected President of El Salvador.

SEC. 1309. SUPPORT FOR DEMOCRACY.

(a) CONTINUATION OF PROGRAM.—The Secretary of State, through agreement with the National Endowment for Democracy or other qualified organizations, shall continue to undertake programs of education, training, and dialogue for the purpose of strengthening democratic, political, and legal institutions in El Salvador.

(b) INTERNATIONAL HUMAN RIGHTS MONITORING.—The Secretary of State is authorized to cooperate fully with the United Nations Secretary General and with United Nations efforts to implement provisions of the Human Rights Accord, which was agreed to between the Government of El Salvador and the FMLN on July 26, 1990, during the fourth session of the United Nations-mediated negotiations, and, in particular, to provide assistance in support of the deployment of the United Nations Observer Force in El Salvador.

(c) ASSISTANCE.—Of the amounts made available for economic support fund assistance for fiscal year 1992, up to \$11,000,000 may be used to carry out this section and, at the direction of the Secretary of State, may be used pursuant to subsection (b) to provide assistance for the deployment or activities of the United Nations Observer Force in El Salvador.

SEC. 1310. INVESTIGATION OF MURDERS.

Of the amounts made available for United States military assistance for El Salvador for fiscal year 1992, \$5,000,000 may not be expended until the President certifies to the appropriate congressional committees that the Government of El Salvador has pursued all legal avenues to fully investigate, bring to trial, and obtain verdicts against—

(1) those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera;

(2) those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador;

(3) those who ordered and carried out the November 1989 murders of six Jesuit priests and their associates; and

(4) those responsible for the deaths of the ten unionists who were killed during the October 31, 1989, bombing of the FENASTRAS headquarters.

SEC. 1311. REPORTING REQUIREMENTS.

The President shall, at the request of any of the appropriate congressional committees, submit a report periodically to such committee on the implementation of the provisions of this title, including the status of the investigation into the politically motivated murders listed in section 1310.

SEC. 1312. DEFINITIONS.

For purposes of this title—

(1) the term "appropriate congressional committees" means the Committee on For-

sign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term "economic support fund assistance" means the assistance which is authorized to be provided under chapter 4 of part II of the Foreign Assistance Act of 1961;

(3) the term "FMLN" means the Farabundo Marti Front for National Liberation;

(4) the term "United States assistance" has the same meaning as is given to such term by section 481(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(4)) and includes United States military assistance as defined in paragraph (3); and

(5) the term "United States military assistance" means—

(A) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961; and

(B) assistance to carry out section 23 of the Arms Export Control Act.

SEC. 1313. REPEAL.

Sections 531 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, are repealed.

BROWN AMENDMENT NO. 835

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1435, *supra*, as follows:

On page 224, beginning on line 10, strike out Sec. 56 of the Bretton-Woods Agreements Act as added by Section 901 of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 836

Mr. DOMENICI (for himself, Mr. MACK, Mr. DOLE, Mr. COCHRAN, Mr. BROWN, Mr. GORTON, Mr. D'AMATO, Mr. GRAMM, Mr. DIXON, Mr. KASTEN, Mr. HELMS, Mr. DODD, Mr. SIMON, and Mr. BURNS) proposed an amendment to the bill S. 1435, *supra*, as follows:

On page 139, between lines 18 and 19, insert the following:

"Subchapter D—The American Centers Act"

An ACT to Establish American Centers to act as a catalyst for encouraging free market economies and democratic values in the Soviet Union and its sovereign Republics.

SEC. 637. SHORT TITLE.

This subchapter may be cited as the "American Centers Act."

SEC. 638. AMERICAN CENTERS TO SUPPORT PEACEFUL TRANSITIONS LEADING TO FREE MARKET ECONOMIES AND DEMOCRATIC VALUES IN RUSSIA, THE UKRAINE, BYELORUSSIA, GEORGIA, ARMENIA, AND OTHER SOVEREIGN SOVIET REPUBLICS.

In order to demonstrate an American commitment to support the peoples of Russia, the Ukraine, Byelorussia, Georgia, Armenia, and other Soviet Sovereign Republics, the President should establish American Centers to promote commercial, professional, civic, and other partnerships between the people of the United States and the people of soviet republics upon request for the purpose of:

(1) establishing a liaison to facilitate exchanges between the peoples of the Soviet republics and American business entities, state and local governments, and professional and civic institutions in the United States;

(2) providing a repository for commercial, legal, and technical (including environmental and export control) information;

(3) identifying existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance; and

(4) helping to establish the legal and regulatory framework and infrastructure that is a critical prerequisite to the establishment of a market oriented economy and democratic institutions;

(5) such other objectives that the Center Directors and Coordinator may identify and have been approved by the Executive Board.

SEC. 639. EXECUTIVE BOARD AND DIRECTORS OF CENTERS.

(a) THE EXECUTIVE BOARD.—The President is authorized to appoint an Executive Board of no more than ten United States citizens to advise the President and to provide policy and technical direction to the American Centers. The Board Members should be chosen from individuals who have demonstrated leadership in professional civic, and business organizations that engage in relevant international activities, in particular in the Soviet Union.

(b) DIRECTORS OF THE AMERICAN CENTERS.—Upon the appointment of an Executive Board as provided in Subsection (a), the President may designate, from a list of candidates submitted by the Executive Board upon his request, Directors of one of more American Centers to carry out the purposes of the Act. The Executive Board shall work as expeditiously as possible to respond to requests to establish additional American Centers in major cities of the Republics.

(c) POLICY COORDINATION OF AMERICAN CENTERS.—The President is encouraged to designate an American Centers coordinator to oversee, subject to the policy direction of the Secretary of State, activities conducted by the United States Government in connection with the American Centers. The coordinator, the Administrator of the Agency for International Development, and the Director of the United States Information Agency shall be ex officio members of the Executive Board.

(d) The Executive Board shall consult with and provide periodic reports to the President, the Secretary of State, and the appropriate committees of Congress.

(e) Nothing in this section shall be construed—

(i) to make the Executive Board or any American Center an agency or establishment of the United States Government, or

(ii) to make any member of the Executive Board or director of an American Center officers or employees of the United States Government,

for the purpose of title V, United States Code or any law administered by the Office of Personnel Management. In addition, the provisions of the Federal Advisory Committee Act shall not apply to the Executive Board or any American Center.

SEC. 640. FUNDING FOR AMERICAN CENTERS AND FOR TECHNICAL SUPPORT FOR DEMOCRATIC GOVERNMENTS, PRIVATE INSTITUTIONS, AND PROFESSIONAL ORGANIZATIONS IN THE SOVIET REPUBLICS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available for assistance under Chapter 4 of Part II of the Foreign Assistance Act, not more than \$15,000,000 for fiscal year 1992, and not more than \$25,000,000 during any subsequent fiscal year shall be available for assistance in accordance with this Act.

(b) TYPES OF ASSISTANCE AUTHORIZED.—Funds made available pursuant to this Act shall be used to establish and maintain the American Centers and to provide technical and related support assistance to any eligible recipients.

(c) WAIVER OF RESTRICTIONS ON ASSISTANCE RECIPIENTS.—Assistance may be provided pursuant to this Act, notwithstanding any other provision of law that would otherwise apply to such assistance.

(d) ELIGIBLE RECIPIENTS IN THE SOVIET UNION.—As used in this Act, the term, "eligible recipient in the Soviet Union" means—

(1) the government of any republic, and any local government, within the Union of Soviet Socialist Republics (or any successor state) that was elected through open, free, and fair elections, and

(2) any nongovernmental organization in the Soviet Union that promotes democratic reforms, market oriented reforms, the rule of law (including the legal infrastructure prerequisite to the foregoing) or any other objectives of this Act.

(3) any governmental agencies in the Soviet Union that promote democratic reforms, market-oriented reforms, or the rule of law (except that no more than fifteen percentum of amount authorized in subsection (a) may be used for this category).

(e) Restrictions. No cash grants may be made under this Act to any governmental agency or organization in the Soviet Union. Payments for rent or lease of office facilities for an American Center are to be made to the extent practicable, from local currency (rubles) provided for that purpose by the host government.

(f) Except to the extent inconsistent with this Act, technical assistance under this Act shall be considered to be assistance under Part I of the Foreign Assistance Act for the purposes of making available the administrative authorities of that Act.

(g) The Centers are authorized to accept private contributions from United States citizens and organizations to be used pursuant to the provisions of this Act.

DODD (AND OTHERS) AMENDMENT NO. 837

Mr. DODD (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. WELLSTONE) proposed an amendment to the bill S. 1435, *supra*, as follows:

On page 132, after line 22, add the following:

SEC. 630A. CONDEMNING ANTI-SEMITISM AND ETHNIC INTOLERANCE IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) in December 1989, after decades of harsh repression by successive Communist regimes in Romania, a violent uprising overthrew the brutal dictatorship of Nicolae Ceausescu;

(2) this historic event has opened the way for the people of Romania to join the other nations of Central and Eastern Europe in establishing a free and democratic political system and a free market economy;

(3) a reunited Europe, meaning a harmonious community of free and friendly nations, must be established on the basis of full respect for human rights, including the rights of minorities, and a rejection of anti-semitism and other forms of ethnic and religious intolerance;

(4) the newly gained freedom in Romania has allowed the formation of new social and political organizations, and the establishment of new publications free of direct government control;

(5) this freedom has also given rise to a revival of extremist organizations and publications promulgating national chauvinism, ethnic hatred, and anti-Semitism;

(6) Romania's Parliament, instead of condemning these developments, itself paid tribute recently to the extreme nationalist Ion Antonescu who was responsible for the murder of approximately two hundred and fifty thousand Romanian Jews and was executed as a war criminal;

(7) the Nobel Peace laureate author and humanist Elie Wiesel recently visited Romania, the country of his birth, to observe and report on these dangerous anti-Semitic trends;

(8) even the recent solemn commemoration of the fiftieth anniversary of the mass murder of Romania's Jews by the Antonescu government was marred by an anti-Semitic provocation against Professor Wiesel; and

(9) the Government of Romania has not challenged and condemned these organizations and their activities directly and forthrightly.

(b) **POLICY.**—The Congress—

(1) condemns the resurgence of organized anti-Semitism, and ethnic animosity in Romania, including the existence of extremist organizations and publications dedicated to such repugnant ideas;

(2) calls on the Government of Romania unambiguously to condemn those organizations promulgating anti-Semitism and animosity toward ethnic Hungarians, Gypsies, and other minorities;

(3) calls on the Government of Romania to use every lawful to curb these repugnant organizations and their activities and to strengthen the forces of tolerance and pluralism existing in Romanian society;

(4) calls on the Government of Romania to ensure full respect for internationally recognized human rights, including the rights of minorities; and

(5) calls on the President of the United States to ensure that progress by the Government of Romania in combating anti-Semitism and in protecting the rights and safety of its ethnic minorities shall be a significant factor in determining levels of assistance to Romania.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 838

Mr. MOYNIHAN (for himself, Mr. WELLSTONE, Mr. SPECTER, Mr. WOFFORD, Mr. DOLE, and Mr. MITCHELL) proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place insert the following:

SEC. . Expressing the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379(XXX).

Since the United Nations General Assembly Resolution 3379(XXX), which equates Zionism with racism—

(a) has been unhelpful in the context of the search for a settlement in the Middle East;

(b) is inconsistent with the Charter of the United Nations;

(c) remains unacceptable as a misrepresentation of Zionism; and,

(d) has served to escalate religious animosity and incite anti-Semitism;

Since Israel recently undertook the dramatic rescue of thousands of Ethiopian Jews thereby further demonstrating the complete falsity of Resolution 3379;

Since the United States vigorously opposed the adoption of Resolution 3379 and has never acquiesced to its content;

Since the Soviet Union vigorously supported the adoption of Resolution 3379 but has now stated that it no longer supports the resolution;

Since the Soviet Union has expressed a desire to participate in the search for a just and lasting peace in the Middle East and should demonstrate its commitment to peace by working to repeal Resolution 3379;

Since the repeal of Resolution 3379 would serve as an important confidence-building measure;

Now, therefore, be it hereby declared that it is the sense of the Congress that the United States and the Soviet Union should lead an effort to promptly repeal United Nations General Assembly Resolution 3379 (XXX).

BUMPERS AMENDMENT NO. 839

Mr. BUMPERS proposed an amendment to the bill S. 1435, supra, as follows:

At the appropriate place in the bill, insert the following:

Congress finds that:

(1) Amnesty International and others have reported that:

(a) The government of President Yoweri Museveni in Uganda has continued to detain hundreds of people in prison without charge or trial;

(b) There are arrests, punishment and killing of civilians in expected rebel areas, and an increased number of political prisoners;

(c) There are prisoners of conscience who are being cruelly treated;

(d) Extrajudicial executions by National Resistance Army forces have been reported from areas where there has been rebel activity;

(e) The government of Uganda has been slow to investigate reports of extrajudicial executions, as well as charges of rape and violence toward women by National Resistance Army soldiers in areas of rebel activity;

(2) The people of Uganda have lived without basic human rights for decades, and have suffered unspeakable atrocities under the rule of Idi Amin, one of the most brutal dictators the world has ever known;

(3) Serious abuse of human rights is contrary to the trend of increased freedom in the world:

(a) In Eastern Europe prisoners of conscience have been freed, and people have been allowed to choose their leaders;

(b) In Africa, Namibia voted strong human rights provisions into its new constitution;

(c) In South Africa, the release of Nelson Mandela and other political prisoners signalled the start of negotiations for change in that country;

(d) In Chile, a country with a history of human rights abuses such as extrajudicial executions and torture, a newly elected government is working to strengthen Chile's commitment to human rights.

Therefore, it is the sense of the Senate that:

(1) The Secretary of State should review the allegations of human rights abuses, and continue to monitor the human rights situation there;

(2) The Secretary of State should convey to the government of Uganda the serious concerns of the Congress and the American people regarding the deteriorating human rights situation in that country;

(3) And that further reports of human rights abuses will lead to a major review of economic assistance to Uganda by Congress and the Administration.

DOLE (AND HELMS) AMENDMENT NO. 840

Mr. DOLE (for himself and Mr. HELMS) proposed an amendment to the bill S. 1435, supra, as follows:

On page 57, between lines 9 and 10, insert the following new section:

SEC. 216. OFFICE FOR INTERNATIONAL REHABILITATION AND THERAPY.

(a) There is hereby established in the Bureau of Research and Development of the Agency for International Development, an Office for International Rehabilitation and Therapy (hereafter in this section referred to as the "Office"). The purpose of such Office is to provide technical and other assistance to and to encourage scientific and technical exchange with governmental and private entities in foreign countries providing medical and rehabilitation related assistance, including, but not limited to, prosthetic and vocational rehabilitation and training for children with physical or mental disabilities, including rehabilitation training for families of these children.

(b) The Office is authorized, subject to the availability of appropriations—

(1) to provide grants to, enter into cooperative agreements with, or contract for the provision of goods and services by private and voluntary organizations or not-for-profit entities in the United States; and

(2) to enter into cooperative agreements with or contract for the provision of goods and services by for-profit entities in the United States.

(c) Of the funds authorized to be appropriated for the Development fund for Africa under chapter 10 of part I, \$10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in sub-Saharan African countries.

(d) Of the funds authorized to be appropriated in section 104(g)(1)(B) of the Foreign Assistance Act of 1961 for health assistance, \$10,000,000 is authorized to be available to the Office to carry out programs of assistance to disabled children in countries outside sub-Saharan Africa, of which amount—

(1) \$3,000,000 is authorized to be made available for assistance to Romanian children with disabilities, with emphasis on institutions for the severely handicapped; and

(2) \$250,000 is authorized to be made available for the establishment of a joint Latin American/Caribbean and United States disabilities exchange program and conference.

(e) It is the sense of the Congress that, in providing assistance under this section, special attention should be given to providing assistance to children with physical or mental disabilities incurred as a result of war or civil conflict or exacerbated by atrocities committed by former Marxist-Leninist or other totalitarian regimes.

(f) Funds may be made available under this section notwithstanding any provision of law which restricts assistance to foreign countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(g)(1) There shall be established an Advisory Board on International Rehabilitation and Therapy (hereafter in this section referred to as the "Advisory Board"), which shall be composed of 12 members appointed as follows:

(A) Two members appointed by the Majority Leader of the Senate, after consultation with the chairman of the Committee on Foreign Relations of the Senate.

(B) Two members appointed by the Minority Leader of the Senate, after consultation

with the ranking minority member of the Committee on Foreign Relations of the Senate.

(C) Two members appointed by the Majority Leader of the House of Representatives, after consultation with the chairman of the Committee on Foreign Affairs of the House of Representatives.

(D) Two members appointed by the Minority Leader of the House of Representatives, after consultation with the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(E) Four members appointed by the President.

(2) The Advisory Board shall advise the Administrator of the Agency for International Development on matters related to the Office's program.

(3)(A) Except as provided in subparagraph (B), members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board.

(B) Any member of the Advisory Board who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Advisory Board.

(4) The Administrator of the Agency for International Development is authorized to provide for necessary secretarial and staff assistance for the Advisory Board.

VETERANS COMPENSATION PROGRAMS IMPROVEMENT ACT

CRANSTON AMENDMENT NO. 841

Mr. MITCHELL (for Mr. CRANSTON) proposed an amendment to the bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans, compensation and pension programs, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Programs Improvement Act of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) EXECUTION OF AMENDMENTS.—References in this Act to a section or other provision of title 38, United States Code, in effect before the redesignations made by section 5 of the Department of Veterans Affairs Codification Act.

TITLE I—COMPENSATION AND PENSION PROGRAMS

SEC. 101. PENSION BENEFITS FOR INSTITUTIONALIZED VETERANS.

(a) TECHNICAL CORRECTION.—Section 5503(a)(1)(C) is amended by striking out "\$60" and inserting in lieu thereof "\$90".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if

contained in section 111 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2064).

SEC. 102. FREQUENCY OF PAYMENT OF PARENTS' DIC.

Subsection (a) of section 415 is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), dependency and indemnity compensation shall be paid monthly to parents of a deceased veteran in the amounts prescribed by this section.

"(2) Under regulations prescribed by the Secretary, benefits under this section may be paid less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under this section."

SEC. 103. PRESERVATION OF RATINGS WHEN CHANGES MADE IN RATING SCHEDULES.

(a) IN GENERAL.—Section 355 is amended by adding at the end the following: "However, in no event shall such a readjustment in the rating schedule cause a veteran's disability rating in effect on the effective date of the readjustment to be reduced unless an improvement in the veteran's disability is shown to have occurred."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with regard to changes in rating schedules that take effect after the date of the enactment of this Act.

SEC. 104. PRESUMPTIVE PERIOD FOR OCCURRENCE OF LEUKEMIA IN VETERANS EXPOSED TO RADIATION.

(a) CHANGE IN PRESUMPTIVE PERIOD.—Section 312(c)(3) is amended by striking out "except that" and all that follows through "leukemia)".

(b) EFFECTIVE DATE.—No benefit may be paid by reason of the amendment made by subsection (a) for any period before the date of the enactment of this Act.

SEC. 105. PRESUMPTION OF SERVICE-CONNECTION FOR CERTAIN RADIATION-EXPOSED RESERVISTS.

Section 312(c) is amended—

(1) in paragraph (1)—

(A) by striking out "during the veteran's service on active duty" and inserting in lieu thereof "during active military, naval, or air service"; and

(B) by striking out "during the period" and inserting in lieu thereof "during a period"; and

(2) in paragraph (4)(A)—

(A) by inserting "(1)" after "means";

(B) by inserting before the period at the end the following: ", or (ii) an individual who, while a member of a reserve component of the Armed Forces, participated in a radiation-risk activity during a period of active duty for training or inactive duty training".

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) EXTENSION.—Subsections (a) and (b)(1) of section 722 are amended—

(1) by striking out "one year" each place it appears and inserting in lieu thereof "two years"; and

(2) by striking out "one-year" each place it appears and inserting in lieu thereof "two-year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any person who, on or after September 1, 1991, is found by the Secretary of Veterans Affairs to be eligible for insurance under section 722 of title 38, United States Code.

SEC. 202. PAYMENT OF SERVICE DISABLED VETERANS' INSURANCE IN LUMP SUM.

(a) PAYMENT IN LUMP SUM.—Section 722(b) is amended—

(1) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Notwithstanding the provisions of section 717 of this title, insurance under this subsection shall be payable to the beneficiary determined under paragraph (2) of this subsection in a lump sum."; and

(2) by striking out paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act. In the case of insurance under section 722(b) of title 38, United States Code, payable by reason of a death before the date of the enactment of this Act, the Secretary shall pay the remaining balance of such insurance in a lump sum as soon as practicable after the date of the enactment of this Act.

SEC. 203. OPEN SEASON FOR USE OF DIVIDENDS TO PURCHASE ADDITIONAL INSURANCE.

Section 707(c) is amended—

(1) by striking out "before February 1, 1973" in the second sentence and inserting in lieu thereof "during the one-year period beginning September 1, 1991"; and

(2) by inserting after the second sentence the following new sentences: "After September 1, 1992, the Secretary may, from time to time, provide for further one-year periods during which insureds may purchase additional paid up insurance from existing dividend credits and deposits. Any such period for the purchase of additional paid up insurance may be allowed only if the Secretary determines in the case of any such period that it would be actuarially and administratively sound to do so."

TITLE III—HEALTH-RELATED PROVISIONS

SEC. 301. ELIGIBILITY FOR OUTPATIENT DENTAL CARE.

Paragraph (1) of section 612(b) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding after subparagraph (G) the following new subparagraph:

"(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter."

SEC. 302. REQUIREMENT FOR SECOND OPINION FOR FEE-BASIS OUTPATIENT DENTAL CARE REIMBURSEMENT.

Section 612(b)(3) is amended by striking out "\$500" and inserting in lieu thereof "\$1,000".

SEC. 303. EXTENSION OF CONTRACT AUTHORITY FOR ALCOHOL OR DRUG ABUSE TREATMENT.

Section 620A(e) is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1994".

SEC. 304. EXTENSION OF AUTHORITY TO MAKE CONTRACTS TO THE VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

(a) EXTENSION.—Section 632(a) is amended by striking out "1990" and inserting in lieu thereof "1992".

(b) RATIFICATION.—Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act are hereby ratified.

SEC. 305. EDUCATIONAL AND LICENSURE REQUIREMENTS FOR SOCIAL WORKERS.

(a) SOCIAL WORKER LICENSURE REQUIREMENT.—Section 7402(b) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) SOCIAL WORKER.—To be eligible to be appointed to a social worker position, a person must hold a master's degree in social work from a college or university approved by the Secretary and satisfy the social worker licensure, certification, or registration requirements, if any, of the State in which the social worker is to be employed, except that the Secretary may waive the licensure, certification, or registration requirement of this paragraph for an individual social worker for a reasonable period, not to exceed 3 years, in order for the social worker to take any actions necessary to satisfy the licensure, certification, or registration requirements of such State."

(b) EXEMPTION.—The amendment made by subsection (a) does not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

TITLE IV—REAL PROPERTY AND FACILITIES

SEC. 401. ENHANCED-USE LEASES AND SPECIAL DISPOSITION OF PROPERTY.

(a) AMENDMENT TO CHAPTER 81.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"§ 8161. Definitions

"For the purposes of this subchapter:

"(1) The term 'enhanced-use lease' means a written lease entered into by the Secretary under this subchapter.

"(2) The term 'congressional veterans' affairs committees' means the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"§ 8162. Enhanced-use leases

"(a)(1) The Secretary may in accordance with this subchapter enter into leases with respect to real property that is under the jurisdiction or control of the Secretary. Any such lease under this subchapter may be referred to as an 'enhanced-use lease'. The Secretary may dispose of any such property that is leased to another party under this subchapter in accordance with section 8164 of this title. The Secretary may exercise the authority provided by this subchapter notwithstanding section 8122 of this title, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484), or any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section. The applicability of this subchapter to section 421(b) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) is covered by subsection (c).

"(2) The Secretary may enter into an enhanced-use lease only if the Secretary determines that—

"(A) at least part of the use of the property under the lease will be to provide appropriate space for an activity contributing to the mission of the Department;

"(B) the lease will not be inconsistent with and will not adversely affect the mission of the Department; and

"(C) the lease will enhance the use of the property.

"(3) The provisions of the Act of March 3, 1931 (40 U.S.C. 276a et seq.), shall not, by reason of this section, become inapplicable to property that is leased to another party under an enhanced-use lease.

"(4) A property that is leased to another party under an enhanced-use lease may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(b)(1) If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall select the party with whom the lease will be entered into using selection procedures determined by the Secretary that ensure the integrity of the selection process.

"(2) The term of an enhanced-use lease may not exceed—

"(A) 35 years, in the case of a lease involving the construction of a new building or the substantial rehabilitation of an existing building, as determined by the Secretary; or

"(B) 20 years, in the case of a lease not described in subparagraph (A).

"(3)(A) Each enhanced-use lease shall be for fair consideration, as determined by the Secretary. Consideration under such a lease may be provided in whole or in part through consideration in-kind.

"(B) Consideration in-kind may include provision of goods or services of benefit to the Department, including construction, repair, remodeling, or other physical improvements of Department facilities, maintenance of Department facilities, or the provision of office, storage, or other usable space.

"(4) Any payment by the Secretary for the use of space or services by the Department on property that has been leased under this subchapter may only be made from funds appropriated to the Department for the activity that uses the space or services. No other such payment may be made by the Secretary to a lessee under an enhanced-use lease unless the authority to make the payment is provided in advance in an appropriation Act.

"(c)(1) Subject to paragraph (2), the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) shall be considered to be prohibited by that section unless specifically authorized by law.

"(2) The entering into an enhanced-use lease by the Secretary covering any land or improvement described in such section 421(b)(2) shall not be considered to be prohibited under that section if under the lease—

"(A) the designated property is to be used only for child-care services;

"(B) those services are to be provided only for the benefit of—

"(i) employees of the Department;

"(ii) individuals employed on the premises of such property; and

"(iii) employees of a health-personnel educational institution that is affiliated with a Department facility;

"(C) over one-half of the employees benefited by the child-care services provided are required to be employees of the Department; and

"(D) over one-half of the children to whom child-care services are provided are required to be children of employees of the Department.

"§ 8163. Designation of property to be leased

"(a) If the Secretary proposes to designate a property to be leased under an enhanced-use lease, the Secretary shall conduct a public hearing before making the designation.

The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed lease of the property and the possible effects of the uses to be made of the property under a lease of the general character then contemplated. The possible effects to be addressed at the hearing shall include effects on—

"(1) local commerce and other aspects of the local community;

"(2) programs administered by the Department; and

"(3) services to veterans in the community.

"(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

"(1) the time and place of the hearing;

"(2) identification of the property proposed to be leased;

"(3) a description of the proposed uses of the property under the lease;

"(4) a description of how the uses to be made of the property under a lease of the general character then contemplated—

"(A) would contribute in a cost-effective manner to the mission of the Department;

"(B) would not be inconsistent with the mission of the Department; and

"(C) would not adversely affect the mission of the Department; and

"(5) a description of how those uses would affect services to veterans.

"(c)(1) If after a hearing under subsection (a) the Secretary intends to designate the property involved, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so designate the property and shall publish a notice of such intention in the Federal Register.

"(2) The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

"(3) Each notice under paragraph (1) shall include the following:

"(A) An identification of the property involved.

"(B) An explanation of the background of, rationale for, and economic factors in support of, the proposed lease.

"(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed designation, together with a summary of the Secretary's evaluation of those views.

"(D) A general description of the proposed lease.

"(E) A description of how the proposed lease—

"(i) would contribute in a cost-effective manner to the mission of the Department;

"(ii) would not be inconsistent with the mission of the Department; and

"(iii) would not adversely affect the mission of the Department.

"(F) A description of how the proposed lease would affect services to veterans.

"(4) Not less than 30 days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans' affairs committees a report on the proposed lease. The report shall include—

"(A) updated information with respect to the matters described in paragraph (3);

"(B) a summary of a cost-benefit analysis of the proposed lease;

"(C) a description of the provisions of the proposed lease; and

"(D) a notice of designation with respect to the property.

"§ 8164. Authority for disposition of leased property

"(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b). A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8122 of this title is in the best interests of the Department. The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease.

"(b) A disposition under this section may be made for such consideration as the Secretary and the Administrator of General Services jointly determine is in the best interest of the United States and upon such other terms and conditions as the Secretary and the Administrator consider appropriate.

"(c) Not less than 90 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

"§ 8165. Use of proceeds

"(a)(1) Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located.

"(2) Funds received by the Department from a disposal of leased property under section 8164 of this title and remaining after any deduction from such funds under the laws referred to in subsection (c) shall be deposited in the nursing home revolving fund.

"(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses.

"(c) Subsection (a) does not affect the applicability of section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a), with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title.

"§ 8166. Construction standards

"(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to building codes, permits, or inspections unless the Secretary provides otherwise.

"(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met.

"§ 8167. Exemption from State and local taxes

"The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease.

"§ 8168. Limitation on number of agreements

"(a) Not more than 20 enhanced-use leases may be entered into under this subchapter, and not more than 10 such leases may be entered into during any fiscal year.

"(b) An enhanced-use lease under which the primary use made of the leased premises is the provision of child-care services for employees of the Department shall not be counted for the purposes of subsection (a).

"§ 8169. Expiration

"The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 1994."

(b) CLERICAL AMENDMENTS.—(1) The heading for chapter 81 is amended by adding at the end the following: "LEASES OF REAL PROPERTY".

(2) The items relating to chapter 81 in the tables of chapters before part I and at the beginning of part VI are amended to read as follows:

"81. Acquisition and Operation of Hospital and Domiciliary Facilities; Procurement and Supply; Enhanced-Use Leases of Real Property.....8101".

(3) The table of sections at the beginning of chapter 81 is amended by adding at the end the following:

"SUBCHAPTER V—ENHANCED-USE LEASES OF REAL PROPERTY

"8161. Definitions.

"8162. Enhanced-use leases.

"8163. Designation of property to be leased.

"8164. Authority for disposition of leased property.

"8165. Use of proceeds.

"8166. Construction standards.

"8167. Exemption from State and local taxes.

"8168. Limitation on number of agreements.

"8169. Expiration."

SEC. 402. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new section:

"§ 115. Acquisition of real property

"For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of

this title, the Secretary may acquire and use real property—

"(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"115. Acquisition of real property."

SEC. 403. PERSHING HALL, PARIS, FRANCE.

(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affairs so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines is in the best interests of the United States, which may include use of Pershing Hall to meet the needs of veterans. To meet such needs, the Secretary may establish and operate a regional or other office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(4) The Secretary of Veterans Affairs may provide the allowances and benefits described in section 235 of title 38, United States Code, to personnel of the Department of Veterans Affairs who are United States citizens and are assigned by the Secretary to Pershing Hall.

(c) LEASES.—(1) The Secretary may enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall.

(2) Leases entered into by the Secretary under this subsection shall be for consider-

ation in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed \$1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74-171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than \$100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) WAIVER.—The Secretary may carry out the provisions of this section without regard to section 8122 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

TITLE V—MISCELLANEOUS

SEC. 501. DURATION OF COMPENSATED WORK THERAPY PROGRAM.

Section 7(a) of Public Law 102-54 (105 Stat. 269) is amended by striking out "During fiscal years 1992 through 1994" and inserting in

lieu thereof "During fiscal years 1991 through 1994".

SEC. 502. SAVINGS PROVISION FOR ELIMINATION OF BENEFITS FOR CERTAIN REMARRIED SPOUSES.

The amendments made by section 8004 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) shall not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual (1) marries, or (2) in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse.

SEC. 503. AGENT ORANGE REVIEW.

(a) LIABILITY INSURANCE.—Section 3 of the Agent Orange Act of 1991 (Public Law 102-4; 38 U.S.C. 316 note) is amended by adding at the end the following new subsection:

"(k) LIABILITY INSURANCE.—(1) The Secretary may provide liability insurance for the National Academy of Sciences or any other contract scientific organization to cover any claim for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission of any person referred to in paragraph (2) in carrying out any of the following responsibilities of the Academy or such other organization, as the case may be, under an agreement entered into with the Secretary pursuant to this section:

"(A) The review, summarization, and assessment of scientific evidence referred to in subsection (c).

"(B) The making of any determination, on the basis of such review and assessment, regarding the matters set out in clauses (A) through (C) of subsection (d)(1), and the preparation of the discussion referred to in subsection (d)(2).

"(C) The making of any recommendation for additional scientific study under subsection (e).

"(D) The conduct of any subsequent review referred to in subsection (f) and the making of any determination or estimate referred to in such subsection.

"(E) The preparation of the reports referred to in subsection (g).

"(2) A person referred to in paragraph (1) is—

"(A) an employee of the National Academy of Sciences or other contract scientific organization referred to in paragraph (1); or

"(B) any individual appointed by the President of the Academy or the head of such other contract scientific organization, as the case may be, to carry out any of the responsibilities referred to in such paragraph.

"(3) The cost of the liability insurance referred to in paragraph (1) shall be made from funds available to carry out this section.

"(4) The Secretary shall reimburse the Academy or person referred to in paragraph (2) for the cost of any judgments (if any) and reasonable attorney's fees and incidental expenses, not compensated by the liability insurance referred to in paragraph (1) or by any other insurance maintained by the Academy, incurred by the Academy or person referred to in paragraph (2), in connection with any legal or administrative proceedings arising out of or in connection with the work to be performed under the agreement referred to in paragraph (1). Reimbursement of the cost of such judgments, attorney's fees, and incidental expenses shall be paid from funds appropriated for such reimbursement or appropriated to carry out this section, but in no event shall any such reimbursement be made from funds authorized pursuant to section 1304 of title 31, United States Code."

(b) DELAY IN CERTAIN PROVISIONS.—(1) Section 3(b) of such Act is amended by striking out "two months after the date of the enactment of this Act" and inserting in lieu thereof "two months after the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991".

(2) Section 10(e) of such Act is amended—

(A) in paragraph (1), by striking out "at the end of the six-month period beginning on the date of the enactment of this Act" and inserting in lieu thereof "at the end of the two-month period beginning on the date of the enactment of the Veterans' Benefits Programs Improvement Act of 1991"; and

(B) in paragraph (2)(A), by striking out "six-month".

SEC. 504. EXPANSION OF AUTHORITY TO ACCEPT GIFTS, BEQUESTS, AND DEVISES.

Section 8301 is amended by adding at the end the following new sentence: "The Secretary may also accept, for use in carrying out all laws administered by the Secretary, gifts, devises, and bequests which will enhance the Secretary's ability to provide services or benefits."

SEC. 505. TECHNICAL AMENDMENT RELATING TO COLLECTION OF CERTAIN INDEBTEDNESS TO THE UNITED STATES.

(a) DEPOSIT OF COAST GUARD AMOUNTS.—Section 5301(c)(4) is amended by inserting before the period at the end the following: "or to the Retired Pay Account of the Coast Guard, as appropriate".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to funds collected after September 30, 1991.

SEC. 506. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 618(b)(2) is amended by striking out "arrangements" and inserting in lieu thereof "arrangements".

(2) Section 716(b) is amended by striking out "unpaid" and inserting in lieu thereof "unpaid".

(b) PUBLIC LAW 101-237.—Effective as of December 18, 1989, section 423(b) of Public Law 101-237 is amended—

(1) in paragraph (2), by striking out "1790(b)(3)(B)(i)(III)," and inserting in lieu thereof "1790(b)(3)(B)(iii), as redesignated by subsection (a)(9)(C)(ii)."; and

(2) in paragraph (4)(A), by striking out "1418(a)(3)" and inserting in lieu thereof "1418(a)".

(c) PUBLIC LAW 102-16.—Effective as of March 22, 1991, section 9(d) of Public Law 102-16 is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, July 25, 1991, at 10 a.m., for a hearing on personal care attendants and independence for the disabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commit-

tee on Foreign Relations be authorized to meet during the session of the Senate of Thursday, July 25, at 3 p.m., to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 25, at 10 a.m., to hold a hearing on the Conventional Forces in Europe [CFE] Treaty; Treaty Doc. 102-8.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on July 25, 1991, at 3 p.m., to hold a markup on S. 654, S. 893, S. 967, S. 968, S. 969, and S. 525.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on readjustment problems of Persian Gulf war veterans and their families at 10 a.m. on Thursday, July 25, 1991, in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, July 25, 1991, at 9:30 a.m. to conduct a hearing on authorizations for the Securities and Exchange Commission for fiscal years 1992-93.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, July 25, 1991, at 2 p.m. for a joint hearing on the Select Committee on Indian Affairs on employment on Indian reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on July 25, 1991, beginning at 2 p.m., in 485 Russell Senate Office Building, on employment on Indian reservations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 25, 1991, to receive testimony on S. 621/H.R. 543, S. 870, S. 1254, S. 1344, and H.R. 848.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 25, beginning at 10 a.m., to conduct a hearing on proposed legislation to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 25, beginning at 2 p.m., to conduct a hearing on international commercial nuclear reactor safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, July 25, at 9:30 a.m., for a hearing on the subject: Hollow Government—the Food and Drug Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, July 25, at 9:30 a.m. and 10:30 a.m., to hold two hearings. At 9:30 a.m., the committee will receive testimony on S. 165, Legislative Line-Item Veto Separate Enrollment Authority Act; and at 10:30 a.m., the committee will receive testimony on Senate Resolution 82, to establish a Select Committee on POW/MIA Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services to meet on Thursday, July 25, 1991, at 2:30 p.m., to

act on Senate Joint Resolution 175, a joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 25, 1991, to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee be authorized to meet during the session of the Senate on July 25, 1991, at 10:00 a.m., to consider an emergency unemployment compensation measure; to consider the United States—Mongolian People's Republic Trade Agreement and Senate Joint Resolution 168 approving the extension of nondiscriminatory treatment to imports from Mongolia; to consider the United States—Republic of Bulgaria Trade Agreement and Senate Joint Resolution 169 approving the extension of nondiscriminatory treatment of imports from Bulgaria; to consider a section 332 investigation by the International Trade Commission on the impact on the United States uranium industry imports from the Soviet Union, China, and other nonmarket economies and on issues affecting United States canned tuna industry; to consider subcommittee assignments for Senators HATCH and GRASSLEY; and to hear and consider the nomination of Olin L. Wethington to be Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SENATE QUARTERLY MAIL COSTS

• Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the quarter ending June 30, 1991, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter. The population figures used in the calculation of the per capita amounts are those from the 1990 census.

The information reflects the continued frugality of the Senate in its spending on official mail. Even with the postage increase, the Senate's expenditures are projected to be less than half of the appropriation.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS
FOR THE QUARTER ENDING JUNE 30, 1991

Senators	Total pieces	Pieces per capita	Total cost	Cost per Capita
Adams				
Akaka	4,400	.00397	\$896.91	\$0.00081
Baucus	41,705	.05219	10,709.23	.01340
Bentsen	74,500	.00439	15,330.05	.00090
Biden				
Bingaman	8,805	.00581	1,836.32	.00121
Bond	252,945	.04943	211,861.76	.04140
Boren				
Bradley	1,100,000	.14230	128,742.13	.01665
Breaux	100,400	.02379	18,405.45	.00436
Brown				
Bryan	53,253	.04431	11,263.36	.00937
Bumpers	673	.00029	550.52	.00023
Burdick				
Burns	139,268	.17429	30,353.03	.03799
Byrd				
Chafee	163,500	.16294	27,227.61	.02713
Cochran	927,100	.16722	147,440.42	.02659
Cohen				
Conrad	12,550	.01022	1,716.45	.00140
Craig	69,450	.10872	9,880.99	.01547
Cranston	3,250	.00323	447.50	.00044
D'Amato	1,040,050	.03495	196,139.98	.00659
Danforth	50,800	.00282	10,552.00	.00059
Daschle	151,600	.02963	20,809.04	.00407
DeLoach	119,859	.17221	17,696.99	.02543
DeMuniz	4,650	.00127	3,634.03	.00099
Dixon	8,878	.00078	2,333.01	.00020
Dodd	2,610	.00079	562.48	.00017
Dole				
Domenici				
Durenberger	27,475	.00628	5,910.33	.00135
Exon				
Ford				
Fowler	387,700	.05985	55,213.07	.00852
Garn				
Glenn				
Gore				
Gorton	85,450	.01756	17,997.85	.00370
Graham	39,000	.00301	8,070.64	.00062
Gramm	359,500	.02116	64,849.68	.00382
Grassley	90,000	.03241	17,850.20	.00643
Harkin				
Hatch				
Hatfield				
Hefflin				
Heinz				
Holmes				
Hollings				
Inouye	3,950	.00356	1,219.71	.00110
Jeffords	11,100	.01972	3,270.70	.00581
Johnston	78,505	.01860	17,028.99	.00404
Kassebaum				
Kasten	221,267	.04523	42,255.13	.00864
Kennedy				
Kerrey	3,713	.00235	3,052.85	.00193
Kerry	11,800	.00196	2,455.77	.00041
Kohl				
Lautenberg	1,225	.00016	268.40	.00003
Leahy	49,000	.08707	9,828.49	.01746
Levin	580	.00006	172.68	.00002
Lieberman	80,976	.02463	14,100.54	.00429
Lott	2,248	.00087	2,020.95	.00079
Lugar	85,325	.01539	16,306.97	.00294
Mack	1,897,850	.14669	361,239.34	.02792
McCain	133,450	.03641	25,136.30	.00686
McConnell				
Metzenbaum				
Mikolski				
Mitchell				
Murkowski	1,420,000	.07893	278,565.54	.01548
Nickles	10,000	.00318	2,155.27	.00069
Nunn				
Packwood	162,582	.05720	31,145.75	.01096
Pell				
Pressler	1,035	.00149	878.44	.00126
Pryor				
Reid	9,245	.00769	3,842.28	.00320
Riegle	27,700	.00298	5,564.31	.00060
Robb				
Rockefeller				
Roth				
Rudman				
Sanford	32,000	.00483	6,514.21	.00098
Sarbanes	198,325	.04148	31,743.53	.00664
Sasser				
Seymour				
Shelby				
Simon	603,400	.05279	85,877.55	.00751
Simpson	13,000	.02866	1,790.45	.00395
Smith	4,130	.00372	1,308.52	.00118
Specter	1,218,325	.10254	173,455.46	.01460
Stevens	11,470	.02085	1,615.74	.00294
Symms	7,870	.00782	1,475.13	.00147
Thurmond				
Wallop	600	.00132	143.05	.00032
Warner				
Wellstone	9,590	.00219	1,918.00	.00044
Wirth	106,114	.03221	20,040.74	.00608
Wofford				

Other offices	Pieces	Cost
The President Pro-Temore		
The Majority Leader		
The Minority Leader		
The Assistant Majority Leader		
The Assistant Minority Leader		
Secretary of Majority Conference		
Secretary of Minority Conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans Affairs Committee		
Ethics Committee		
Indian Affairs Committee	550	\$165.35
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
Democratic Policy Committee		
Democratic conference		
Republican Policy Committee		
Republican Conference		
Legislative Counsel		
Legal Counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		

U.S. POSTAL SERVICE,
Washington, DC, July 19, 1991.

HON. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the third quarter, Fiscal Year 1991, is enclosed. Total postage on fees for the quarter is \$3,151,620.

A summary of Senate franked mail usage based upon three quarters of actual data for Fiscal Year 1991 is as follows:

Volume	33,032,287
Revenue per piece	\$0.2022
Revenue	\$6,678,367
Provisional payments to date	\$10,000,000
Excess in provisional payments	\$3,321,633

The three Postal Quarter results, when projected to an annual figure based upon historical trends for Senate franked mail activity, provide the following estimates for FY 1991:

Volume	73,864,685
Revenue per piece	\$0.1954
Total revenue	\$14,436,523
Current appropriation	\$30,000,000
Estimated surplus	\$15,563,477

However, the validity of these projections does remain uncertain due to substantial variances in Senate quarterly mailing patterns over the past several years.

If you or your staff have any questions, please call Tom Galgano of my staff on 268-3255.

Sincerely,
JAMES S. STANFORD,
General Manager, Official and International Mail Accounting Division, Office of Accounting, Washington, DC.

FRANKED MAIL, POSTAL QUARTER III, FISCAL YEAR 1991

Subcategories	Pieces	Rates	Amount
SENATE			
1. Letters: First class (total)	1,627,287	\$0.2900	\$484,963
2. Flats: First class (total)	95,306	1.0980	104,646
3. Parcels			
Priority-up to 11 oz.			
Priority-over 11 oz.	11,744	4.5689	53,657

FRANKED MAIL, POSTAL QUARTER III, FISCAL YEAR
1991—Continued

Subcategories	Pieces	Rates	Amount
4th class-regular			
Total	33,927	4.2652	144,707
4. Orange bag pouches:			
First class	99,897	.3486	34,824
Priority-up to 11 oz.	1,219	2.9010	3,536
Priority-over 11 oz.	4,647	4.0537	18,838
Total	105,763	.5408	57,198
5. Agricultural bulletins:			
First class			
Priority-up to 11 oz.			
Priority-over 11 oz.			
3d class			
4th class special (Bk)			
4th class regular	111	7.2973	810
Total	111	7.2973	810
6. Yearbooks: 4th class special (Bk) (total)			
Total	15	1.4800	22
7. Other (odd size parcels):			
Priority-up to 11 oz.			
Priority-over 11 oz.	503	30.5650	15,374
4th class special (Bk)			
4th class regular	1,759	13.6731	24,051
Total	2,262	17.4293	39,425
Total outside DC	293,337	.5045	147,976
Permit imprint mailings:			
3d class bulk rate	13,206,721	1.1302	1,719,776
Parcel post-Inter BMC-PI	69	7.6232	526
First class single piece-PI			
Address corrections (3547's)	643	34.99	225
Address corrections (3d cl)	634	2.902	184
Mailing list corrections (10 names or less)			
Mailing list corrections (more than 10 names)			
Mailgrams:			
IPA—International priority air-mail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			342
Permit fees			
Miscellaneous charges/ADJ			
Express mail service			450,820
Subtotal	15,411,075	.2045	3,151,620
Adjustments			
Grand total	15,411,075	.2045	3,151,620

IN THE AFTERMATH OF A TRAGEDY, GOOD NEWS FROM INDIA

● Mr. CRANSTON. Mr. President, on Wednesday the Government of India announced an important new initiative designed to liberate free enterprise from economic control and to stimulate even greater foreign investment.

At the same time, the government of Prime Minister P.V. Narasimha Rao said it was slashing military expenditures in real terms by as much as an impressive 8 percent.

These are truly momentous changes and the Rao government deserves our congratulations and our support.

The decision to open up the enormous potential of India's economy to the world market portends benefits for them, and for us.

The promise of a substantial cut in military expenditures bodes well for peace and stability in a region too often characterized by irrational hatreds and bloody conflict.

Mr. President, it was just a few weeks ago that we in this Chamber were deeply saddened by the news of the assassination of Rajiv Gandhi, who was campaigning to regain the office of Prime Minister.

The magnitude of that crime was reflected in the deep pessimism that many pundits proclaimed at the time. A shudder went through the Western world as the thought arose: Would India's democracy—the world's largest—survive?

While India is, perhaps, not yet out of the woods, and while there are important concerns such as the human rights situation in Kashmir and the Punjab provinces, I think democracy there is showing an impressive resilience.

Despite Rajiv's death, India went on to conduct free and fair elections, in which his Congress Party emerged at the head of a parliamentary minority government. That this was done, at a time of fears of communal strife and national disintegration, was a reason in itself for cheer.

Prime Minister Rao's selection, too, was met with a certain feeling of trepidation. Despite his long and dedicated service, there were questions about just how forceful a political figure his talents and his party's minority status would allow him to be.

Clearly, the news of this week's economic reforms should go a long way to dissipating such fears. Truly India is embarked upon a productive revolution of enormous promise, a promise as big as the country itself.

I commend Prime Minister Rao on his vision and boldness, and I wish him and the Indian people well in this time of challenge and promise.

Mr. President, I ask that two articles, one from the New York Times, the other from Reuters, be published in the RECORD.

The articles follow:

[From the New York Times, July 24, 1991]

INDIA RETREATS FROM SOCIALIST PAST

(By Sanjoy Hazarika)

NEW DELHI, July 24.—Finance Minister Manmohan Singh set into motion today a range of changes intended to turn India's back on decades of insularity and government controls and to attract foreign money.

Politicians and economists said the changes marked a turning point in the nation's economic history. "Let the world hear it loud and clear," declared Mr. Singh, an economist. "India is now wide awake."

Mr. Singh's reforms are the most sweeping in recent decades and will allow foreign companies to hold as much as a 51 percent interest in Indian companies, up from the current maximum of 40 percent. They would also permit direct investment in as many as 34 important industries, including transportation, food processing, hotels, tourism and electrical equipment.

SOME GOVERNMENT CONTROLS STAY

The Government will keep controls in the manufacture of hazardous chemicals, motor vehicles, coal, petroleum, arms, atomic energy and drugs.

Mr. Singh said mounting fiscal deficits and government profligacy were putting an unbearable strain on India.

"The fiscal deficit of the central Government is estimated at more than 8 percent of G.D.P. in 1990-91, as compared with 6 percent

at the beginning of the 1980's and 4 percent in the mid-1970's," Mr. Singh said in a two-hour statement in Parliament that was often interrupted by opposition lawmakers.

As a first step, Mr. Singh proposed reducing the budget deficit from the equivalent of 107 billion rupees (about \$4 billion) last year to 77 billion rupees (about \$3 billion) through increases in corporate taxes and new taxes on cigarettes, fertilizer, videocassette recorders and camera, refrigerators and entertainment. He also called for cuts in Government spending.

India is seeking several billion dollars in emergency assistance from the World Bank and the International Monetary Fund, Government officials said, to help manage its economic crisis. Mr. Singh met a central demand from the I.M.F. by ending subsidies on fertilizers and sugar, although he increased food subsidies.

The minority Congress Party Government of Prime Minister P.V. Narasimha Rao also said it would pare the military budget. Because of a 20 percent devaluation in the value of the rupee earlier this month, the military budget of 163 billion rupees is worth about \$6.4 billion at current rates. This is nearly \$600 million less than last year's budget of 157 billion rupees.

Some lawmakers and industrialists expressed fears of sharp price increases after Mr. Singh announced a 20 percent increase in the price of gasoline, aviation fuel and cooking gas.

"This is a highly inflationary budget," said Kamal Morarka, a former aide to the previous Prime Minister, Chandra Shekhar.

Jaswant Singh, a prominent leader of the main opposition party, the right-wing Bharatiya Janata Party, said, "In essence, the Finance Minister has rejected the Nehruvian ideal of Fabian socialism that has brought India to this abject pass."

Jawaharlal Nehru, India's first Prime Minister, introduced state controls in economic planning, encouraged the public sector at the cost of private enterprise and spoke of the virtues of socialism and the evils of free enterprise. The public sector in India developed as an institution that exercised control over the military, oil production and mining and was a leading employer.

Yet, Mr. Singh pointed out, the public sector accumulated losses and did little to justify the investment.

INDIA DROPS DECADES-OLD POLICIES IN BID TO MODERNIZE ECONOMY

(By Ruth Pitchford)

NEW DELHI, India.—India's minority government has broken with four decades of socialist, protectionist orthodoxy, saying it aims to emerge from an unprecedented foreign debt crisis as a world economic player.

Finance Minister Manmohan Singh issued a double challenge to powerful bureaucratic, political and industrial lobbies Wednesday, first presenting a new industrial policy to slash red tape and welcome foreign investors, then imposing an austerity budget.

"The crisis in the economy is both acute and deep," Singh told parliament after months in which India has struggled to avert a first default in its \$71 billion foreign debt, the third biggest in the developing world.

"We have not experienced anything similar in the history of independent India... We must act fast and act boldly," he said.

In just one month in office, Singh has given the economy one of its biggest overhauls since independence from Britain in 1947, reversing decades of licensing, nationalization and subsidies.

Instead of apologies, Singh Wednesday offered parliament "an idea whose time has come... the emergence of India as a major economic power in the world."

Singh warned India's 850 million people to brace for at least three years of painful adjustment, but pledged to try to protect the 40 percent living below the poverty line.

His moves should encourage the International Monetary Fund as India seeks a multibillion dollar loan.

But economists say he is confronting bureaucrats, politicians and industrial groups who have made money out of manipulating a regime of fast-breeding licenses.

After centuries under colonial rule, India introduced policies which offered foreign investors tortuous bureaucracy, political diatribes and a maximum 40 percent stake in joint ventures under stringent conditions.

Last year it attracted just \$73 million in foreign investment while billions flowed into its southeast Asian neighbors.

In a sharp about-turn, Singh has now specified a wide range of sectors where foreign investors would be welcome to take 51 percent in ventures, with minimal bureaucratic intervention.

His new industrial policy also axes many licenses needed for enterprises, which have kept some domestic businesses waiting for years for permission to expand while given others a market monopoly.

His budget slashed government spending. Even the defense budget was cut in real terms, despite separatist insurgencies in three border states and tensions with neighboring Pakistan.

Singh had already devalued the rupee by 18 percent against the dollar, withdrawn export subsidies and hiked interest rates.

Prime Minister Narasimha Rao, some 12 seats short of a parliamentary majority, has one advantage in forcing through the reforms—no opposition party wants another election yet.

The election which brought Rao's Congress party to power was the most traumatic in independent India's history. Polling violence raged after 18 months of political instability, economic crisis and caste, sectarian and secessionist fighting.

Then former Congress prime minister Rajiv Gandhi was assassinated during the campaign.

Singh, battling opposition charges that he has ditched Gandhi's election manifesto, dedicated the budget speech to him.

"(Gandhi's) dream lives on *** of ushering India into the 21st century *** a strong, united technologically sophisticated but humane India," Singh declared.

THE STEPHENS FAMILY: KEEPING FAITH WITH ITS AIKEN COUNTY ANCESTORS

● Mr. HOLLINGS. Mr. President, on August 2-3 a remarkable family gathering will take place in Aiken County, SC. From around the country, the descendants of Wilson and Adeline Stephens—19th-century slaves on the Tyler Plantation in Aiken County—will return to their roots in South Carolina's Savannah River Valley.

Wilson Stephens was born sometime between 1825 and 1839, was freed by the Emancipation Proclamation in 1863, and thereafter sharecropped 505 acres of land formerly part of the Tyler Plantation. He and his wife Adeline had 15

children, and lived until 1914 and 1916 respectively. Their house and lands were lovingly maintained by members of the family until 1951, when the Federal Government purchased the land to build the Savannah River Atomic Energy Plant.

Wilson and Adeline Stephens are survived today by nearly 800 direct descendants who live in 20 States, the District of Columbia, and 3 foreign nations. Many of them will be at the August gathering in Aiken to share a weekend of memories, good food, as well as worship at the Fair Branch Baptist Church, which the Stephens family helped to found.

This reunion will be a proud and bittersweet occasion for the Stephens clan: a time to walk the soil that their ancestors plowed for nearly 6 score years, as slaves and later as free men and women. It will be an all-American gathering, rich in history, family roots, and love.

Mr. President, on behalf of all our colleagues in the Senate, I extend to the entire Stephens clan our respect and best wishes.●

THE ADOPTION ASSISTANCE AND MATERNAL HEALTH CERTIFICATES ACT

● Mr. NUNN. Mr. President, I join Senator GORTON in introducing S. 1215, the Adoption Assistance and Maternal Health Certificates Act of 1991. This legislation has two purposes. The first is to provide women faced with unwanted pregnancies a real alternative to abortion. The second objective is to begin rebuilding the bridges between the millions of women who carry unwanted pregnancies in this Nation each year and 2 million childless couples currently on waiting lists to adopt children.

For many years I have been deeply dismayed at the number of abortions that are taking place in our country. For too many women facing unwanted pregnancies, the absence of support mechanisms has made abortion the most realistic option. S. 1215, through a pilot program that provides financial assistance to poor women who choose to carry their pregnancies to term, would help to make some of these abortions unnecessary by expanding the range of pregnancy options available to young women.

S. 1215 establishes a federally funded certificate program that will cover the cost of a maternity home stay for poor pregnant women. These maternity home facilities will be required to provide a full range of prenatal, educational, job training, and counseling services to income-qualified clients. Such a program would give a young woman, facing a very difficult situation, the opportunity to consider the best course of action for herself and for her baby.

Mr. President, between 1972 and 1982, the number of illegitimate births in this country increased by 77 percent while the number of abortions decreased by 22 percent. Prior to 1973, some 20 percent of children born outside marriage were released for adoption; by 1982, the last year for which comprehensive statistics are available, this figure fell to only 12 percent.

The decline in adoptions has been accompanied by a dramatic rise in the number of single-parent families. In the United States today, 25 percent of children are born into single parent homes. In those cases where a single mother is able to raise the child on her own, I believe it is important to keep these families intact. It is equally important, however, that in those cases where a young pregnant woman believes she is not ready to take on the responsibilities of parenthood that we make the adoption alternative available to her.

Our bill also makes a number of significant changes to existing adoption law. The legislation directs the Secretary of Health and Human Services to expand the scope of Federal data collection on adoption to give us a better idea of the types and number of adoptions that are occurring in the United States. Such information will be useful in the targeting of Federal assistance. Our proposal also mandates equal treatment for adoptive parents in insurance coverage and employer benefit policies, and provides increased reimbursement to State agencies that expedite the placement of children with physical disabilities and other special needs. S. 1215 also restores the Department of Defense adoption expense allowances that was eliminated under last year's DOD authorization bill. I am pleased to note that the Senate Armed Services Committee has also included this provision in the fiscal year 1992 DOD bill.

This legislation is not the entire answer for women facing unwanted pregnancies or for couples seeking children to adopt. It is, however, a first step toward making the adoption choice available to women and reducing some of the obstacles that face families seeking to adopt. I encourage my colleagues to join Senators GORTON, DECONCINI, MCCAIN, COCHRAN, INOUE, CRAIG, and myself in cosponsoring this important bill.●

CORPORATE AVERAGE FUEL ECONOMY STANDARDS

● Mr. RIEGLE. Mr. President, the Michigan Legislature recently passed resolutions urging Congress to reject any efforts to impose unrealistic corporate average fuel economy standards [CAFE] on the auto industry.

The resolutions point out that the automobile industry is continuing to make improvements in fuel efficiency.

They also highlight the impact enacting drastic increases would have on the availability of a range of cars and trucks for U.S. consumers, reductions in auto safety, and the loss of U.S. jobs.

Mr. President, I ask that the Michigan Senate Resolution No. 92 and Michigan House Resolution No. 126 concerning CAFE be included in the RECORD at this point.

The resolutions follow:

SENATE RESOLUTION NO. 92

Whereas, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

Whereas, efforts have been made recently in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by 2001; and

Whereas, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact, subcompact, and compact cars; and

Whereas, unrealistic standards would seriously reduce the availability of full-size and mid-size vans and pickup trucks—the workhorses of many small businesses and farms; and

Whereas, it has been estimated that significantly higher CAFE standards could cost as many as 300,000 jobs in the United States in the next decade; and

Whereas, higher CAFE standards would do little to enhance our nation's security, as it would reduce oil imports by only one to two percent by the year 2005; and

Whereas, many national safety experts have expressed the opinion that a drastic increase in the standards would increase the risk of fatalities and injuries because of smaller and lighter automobiles, creating a vast difference in vehicle sizes operating on the roads and highways; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress of the United States to reject any effort to impose unrealistic government-mandated standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the Senate, May 16, 1991.

HOUSE RESOLUTION NO. 126

Whereas, the automotive industry continues to make steady, continuous improvements in the fuel economy of the fleet it offers for sale to the public; and

Whereas, efforts have been made recently in Congress to impose drastic, government-mandated increases in the Corporate Average Fuel Economy (CAFE) standards on the automotive industry for cars and light trucks, calling for a forty percent increase to be achieved by 2001; and

Whereas, a major increase in the CAFE standards would sharply limit consumers' choice of vehicles, limiting them to choose from minicompact, subcompact, and compact cars; and

Whereas, unrealistic standards would seriously reduce the availability of full-size and

mid-size vans and pickup trucks—the workhorses of many small businesses and farms; and

Whereas, it has been estimated that significantly higher CAFE standards could cost as many as 300,000 U.S. jobs in the next decade; and

Whereas, higher CAFE standards would do little to enhance U.S. energy security—reducing oil imports by only one to two percent by the year 2005; and

Whereas, many national safety experts have expressed the opinion that a drastic increase in the standards would increase the risk of fatalities and injuries because of smaller and lighter automobiles, creating a vast difference in vehicle sizes operating on the roads and highways; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body urge the Congress of the United States to reject any effort to impose government-mandated, unrealistic standards on the automotive industry, thus preserving the freedom of the public to exercise its choice of vehicle to meet its needs; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, May 15, 1991.●

ORDERS FOR FRIDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Friday, July 26; that following the prayer, the Journal of proceedings be deemed approved to date and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein, and that the following Senators be recognized to speak: Senator MURKOWSKI for up to 10 minutes, Senator GRAHAM of Florida for up to 10 minutes, Senator DURENBERGER for up to 5 minutes, and Senator JOHNSTON for up to 20 minutes; and that the Senate resume consideration of S. 1345, the foreign aid authorization bill at 9:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M., FRIDAY

Mr. MITCHELL. Mr. President, if there is no further business, I now ask unanimous consent that the Senate

stand in recess as under the previous order until 9 a.m., Friday, July 26, 1991.

There being no objection, the Senate, at 12:05 a.m., recessed until Friday, July 26, 1991, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1991:

THE JUDICIARY

EDMUND ARTHUR MICHAEL KAVANAGH, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK VICE HOWARD G. MUNSON, RETIRED.

DEPARTMENT OF STATE

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF THE TREASURY

DAVID J. RYDER, OF VIRGINIA, TO BE DIRECTOR OF THE MINT FOR A TERM OF 5 YEARS, VICE DONNA POPE, TERM EXPIRED.

INTER-AMERICAN DEVELOPMENT BANK

RICHARD C. HOUSEWORTH, OF ARIZONA, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE LARRY K. MELLINGER.